VIRGINIA

Hattie C. Barrow to be postmaster at Dinwiddie, Va., in place of H. C. Barrow. Incumbent's commission expired April 12, 1940.

Ross V. Martindale to be postmaster at Sweet Briar, Va., in place of R. V. Martindale. Incumbent's commission expired January 20, 1940.

WASHINGTON

Emery L. Morsbach to be postmaster at Bucoda, Wash. Office became Presidential July 1, 1939.

Aaron W. Wilson to be postmaster at Clarkston, Wash., in place of A. W. Wilson. Incumbent's commission expires April 30, 1940.

Robert Kinzel to be postmaster at Entiat, Wash., in place of Robert Kinzel. Incumbent's commission expires April 30, 1940.

Selma Peterson to be postmaster at Marcus, Wash., in place of Selma Peterson. Incumbent's commission expires April 30, 1940.

WYOMING

Ann D. Keenan to be postmaster at Pine Bluffs, Wyo., in place of A. D. Keenan. Incumbent's commission expired April 2, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 26 (legislative day of April 24), 1940

JUDGE OF THE POLICE COURT FOR THE DISTRICT OF COLUMBIA

George D. Neilson to be judge of the Police Court for the District of Columbia.

UNITED STATES MARSHAL

Henry C. Armstrong to be United States marshal for the western district of Arkansas.

POSTMASTERS

KENTUCKY

Walter B. Sisk, Fleming.
Fanny L. Scott, Florence.
Beulah A. Foley, Ravenna.
Morgan B. Johnson, McRoberts.

LOUISIANA

William F. Roy, Jr., Arabi.
James O. Brouillette, Marksville.

OHIO

Nathan A. McCoy, Sr., Columbus.

UTAH

Dora N. Dennison, Castle Dale.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 26, 1940

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Behold, what manner of love the Father hath bestowed upon us that we should be called the sons of God. Thou art able to do exceeding abundantly above all that we ask or think; therefore do Thou work within us the purpose and the pleasure of Thy holy will. We rejoice that the zone of Thy Fatherhood in its sympathies, provisions, and invitations is as wide as the races of men. All glory, honor, and majesty be unto Thee, O Lord most high. Spare us from life's sorest loss, a loving and a believing heart. Almighty God, as human life is so manifold and so inglorious today, making its cries heard around the world, have mercy, have mercy. The cross, with its meaning and purpose, is but faintly gleaming in the minds of men. O stay Thou the flood of terror generated by the insanity of war. Draw near to all who are contesting their way in this burdened world, overtaken by fear, disaster, and death. Be with us, O Good Shepherd, make plain the pathway of duty, and Thine shall be the praise. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6264. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. SHEPPARD, and Mr. MCNARY to be the conferees on the part of the Senate.

The message also announced that the Senate had ordered that Mr. FRAZIER be appointed as an additional conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3800) entitled "An act to amend section 8 (e) of the Soil Conservation and Domestic Allotment Act, as amended."

BOARD OF VISITORS, UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore laid before the House the following communication, which was read:

APRIL 25, 1940.

Hon. WILLIAM B. BANKHEAD,
Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Hon. LINDSAY C. WARREN, Member of Congress from North Carolina, an appointee of the Board of Visitors of the United States Coast Guard Academy for the calendar year 1940, will be unable to attend the meeting of the Board at New London, Conn., on May 4. Therefore, by authority of Public, No. 183, Seventy-sixth Congress, first session, amending section 7, of Public, No. 38, Seventy-fifth Congress, first session, I have appointed Hon. JAMES A. O'LEARY, Member of Congress from the State of New York, as a member of the Board of Visitors in the place and stead of Mr. WARREN.

Yours very sincerely,

S. O. BLAND,
Chairman, Committee on Merchant Marine and Fisheries.

RIVER AND HARBOR APPROPRIATIONS, 1941

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Chair appointed the following conferees, Mr. MANSFIELD, Mr. GAVAGAN, Mr. DEROUEN, Mr. SEGER, and Mr. CARTER.

EXTENSION OF REMARKS

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a decision of the Supreme Court of the United States, rendered by Chief Justice Hughes the other day, concerning the respective water rights of the States of Colorado and Wyoming.

The SPEAKER pro tempore. Is there objection?

Mr. RANKIN. Mr. Speaker, I reserve the right to object, though I shall not do so, but I rise to express the gratification of the House upon having the distinguished chairman of the Committee on Appropriations back with us, sound and well. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado.

There was no objection.

Mr. EATON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from a New York newspaper.

The SPEAKER pro tempore. Is there objection?

There was no objection.

VETO OF TRAVEL PAY BILL

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I want to call the attention of the House to the remarks of the gentleman from Washington [Mr. SMITH], on pages 5030, 5031, and 5032 of yesterday's RECORD, in which he discusses the issues involved in the overriding of President Roosevelt's veto of the travel-pay bill for certain soldiers who took part in the Philippine Insurrection. Included in his remarks is the report of the Committee on War Claims. This will amply justify the vote of the House of 274 to 82 to override the President's third veto of this just bill, which was intended to right an ancient wrong, for there was never a more just claim against the Government. It is more than a just claim; it is a sacred obligation incurred by the responsible heads of the Government in a very serious crisis.

I ask the Members of the House to look over that extension of remarks, so that they may justify their vote of yesterday.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include letters which I have in my possession and a quotation from the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. THORKELSON. Also, Mr. Speaker, I ask unanimous consent to extend my own remarks and to include editorials on aviation from the Washington News.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AREA OF PRODUCTION

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to extend my remarks in the RECORD at this point.

The SPEAKER pro tempore. That was done once here yesterday, but I cannot agree to have that done any more. I made a statement upon the floor of the House 2 months ago in which I said that objection would be made to an extension of remarks before the legislative program of the day was taken up, and I shall have to object to the gentleman's request.

Mr. JOHNS. Very well, Mr. Speaker; I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNS. Mr. Speaker, I do this to call attention to a telegram which I have received from Edward A. O'Neal, president of the American Farm Bureau Federation, and a letter received from Charles W. Holman, secretary of the National Cooperative Milk Producers' Federation. They are in favor of the Barden amendments to the Wage and Hour Act, because they feel that is the only way they can come out whole on the cost of their products, where their markets have been taken away from them, they claim, by the trade treaties, and the amount of trouble they have during the rush season in many processing industries.

I ask unanimous consent to extend my remarks in the RECORD by inserting the telegram and letter referred to.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks in two particulars; in one to print a letter having to do with the rights of seamen, and the other having to do with the wage and hour law.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that on Monday next, following the legislative program of the day and any other special orders, I may be allowed to address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent for two extensions of my remarks: One to extend my remarks on the bill H. R. 289, and the other to extend my remarks and include a letter from the Air Line Pilots' Association.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

WHAT THE COMMON PEOPLE THINK

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I hold in my hand a little piece of paper about 2 inches wide and 3 inches long. It is a letter that was sent to me by one of my constituents who is one of the common people and a coal miner and small farmer. I want the Congress to know what the common people think and what they say. On this paper is written a great speech. On it is written a most profound sermon; and if I can read it within the time, I will do so. It is as follows:

MR. JENKINS: There are a lot of people that can and would make their own way if the Government would just let them alone. Too much dictatorship in the Government now. A man can't dig and sell a ton of coal on his own farm without having vendor license and make out reports and have them notarized and make yearly reports, and get bushels of Government paper telling him what to do. We don't want the Government to discourage all small and large business. Let the American flag mean to us what it did 60 years ago, a free country. Let's vote it straight Republican; and if that don't make it better, I will give up. I may be wrong, but don't think I am. Do all you can for the poor that can't help themselves.

[Applause.]

Mr. Speaker, I am glad to bring this bit of safe statesmanship and correct economy and sound theology to your attention. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks and include two letters.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mrs. NORTON. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mrs. NORTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Alexander	Disney	Lea	Shafer, Mich.
Allen, Ill.	Douglas	McMillan, Clara	Sheppard
Boren	Durham	Martin, Ill.	Sheridan
Buckley, N. Y.	Fitzpatrick	Merritt	Short
Burgin	Gilchrist	Miller	Smith, Ill.
Caldwell	Goodwin	Moser	Smith, Va.
Casey, Mass.	Hancock	Murdock, Utah	Starnes, Ala.
Chapman	Hendricks	Oliver	Steagall
Claypool	Hennings	Osmers	Sweeney
Connery	Hill	Plumley	Voorhis, Calif.
Crowther	Jarman	Reece, Tenn.	Wheat
Culkin	Johnson, Ind.	Rogers, Okla.	Whelchel
Darrow	Keller	Schulte	White, Idaho
Dies	Kirwan	Seccombe	White, Ohio

The SPEAKER pro tempore. Three hundred and seventy-four Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PRIVILEGES OF THE HOUSE

Mr. HOFFMAN. Mr. Speaker, a point of order. I rise to a question of the privilege of the House.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. HOFFMAN. Mr. Speaker, I rise to a question of the privilege of the House and will offer a resolution which I will send to the Clerk's desk.

Mr. Speaker, on yesterday, April 25, while the House was in session and had under consideration House Resolution 289, the gentleman from the Second Congressional District of Georgia, under the rules of the House, had the floor.

The official transcript shows that, at that time and while speaking to said resolution, certain proceedings occurred in the House during which certain remarks were made by the gentleman from the Second District of Georgia, which had reference to the gentleman from the Twelfth District of Michigan.

That, thereafter, the gentleman from the Twelfth District of Michigan demanded that the words of the gentleman from the Second District of Georgia be taken down; that the words which had been used were taken down; that they were reported by the Clerk of the House to the House; that the Speaker of the House thereupon made a ruling with reference thereto, and that, thereafter, a motion was made by the gentleman from the Twelfth District of Massachusetts; that said motion was put by the Speaker; that a vote was taken thereon and that the Speaker announced that said motion was adopted and that, thereafter, proceedings of the House were taken in accordance with said motion; and that all of the proceedings hereinbefore referred to are a part of the official records of the House, except such parts thereof as were properly withdrawn under a unanimous-consent request made by the gentleman from the Second District of Georgia—RECORD, p. 5052—when the following occurred:

> Mr. COX. Mr. Speaker, in view of the ruling of the Speaker pro tempore, I ask unanimous consent that I may withdraw certain remarks I made this afternoon to which objection was raised.
>
> The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. COX]?
>
> There was no objection.

It further appears from the CONGRESSIONAL RECORD, pages 5046 to 5647, that the CONGRESSIONAL RECORD, which is the official record of the House, does not contain the demand of the gentleman from the Twelfth District of Michigan that the words uttered by the gentleman from the Second District of Georgia be taken down. It does not contain the report of the Clerk of the House. It does not contain the ruling of the Speaker thereon.

It does not contain the motion of the gentleman from Massachusetts. It does not contain the record of the vote on said motion. It does not contain the announcement of the Speaker of the result of said motion nor the action of the House thereon.

That the omission of said matters to which reference has just been made results in an inaccurate record of the proceedings of the House on yesterday, April 25; that the omission reflects upon the integrity of the records of the House and that the record, as printed, is not a true, accurate record of the proceedings of the House as of yesterday and, if permitted to stand as the record of the House, will, in view of the fact that the public is aware that the CONGRESSIONAL RECORD is not now a true and an accurate statement of the proceedings of the House as of yesterday, tend to bring the House into disrepute.

Now, Mr. Speaker, we have had examples——

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. When a Member rises to a question of the privilege of the House he must first offer a resolution before addressing the Chair. I make the point of order that this has not been done.

The SPEAKER pro tempore. That, of course, is correct.

Mr. COX. Mr. Speaker, if the gentleman will yield to me——

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Georgia or not?

Mr. COX. If the gentleman will yield to me we can probably clear up the situation to his satisfaction—if he will yield to me for a brief statement.

Mr. HOFFMAN. I yield for a statement.

Mr. COX. Mr. Speaker, a copy of the remarks I made in the House on yesterday came to my office late in the afternoon, about the time I was going out with friends for dinner. I did not undertake to correct them until later in the evening. I hurriedly went over them and when I came to this part of the address I noticed that the proceedings to which the gentleman refers had been stricken out. I did not strike them out. As a matter of fact, I did not go over that part of the RECORD. I simply accepted what somebody else had done and passed on over the remainder of my remarks.

In view of what the gentleman says, I wish he would yield to me to ask unanimous consent to reinsert in the RECORD the entire proceedings with the exception of my remarks which were held to be out of order—and, I am willing to admit, properly so—to withdraw which I obtained unanimous consent later in the afternoon.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, in view of the statements of the gentleman from Georgia and the gentleman from Michigan, I believe the House should find out who did strike the remarks in question before we ask that they be reinserted.

Mr. HOFFMAN. Mr. Speaker, I refuse to yield further at this point.

Mr. COX. I made a perfectly honest statement about it.

The SPEAKER pro tempore. The Chair will state——

Mr. HOFFMAN. I would like a ruling on my question.

The SPEAKER pro tempore. A ruling cannot be made yet, for no resolution has been offered.

The Chair remembers very definitely that the gentleman from Georgia asked unanimous consent after we got back in the House yesterday to strike from the RECORD his remarks concerning the gentleman from Michigan.

Mr. COX. I felt that the House should grant that request on my part particularly because of the ruling of the Chair. But the gentleman is unquestionably right in the position he takes this morning. There are certain parts of the RECORD that should not have been deleted, and I am asking unanimous consent that the entire proceedings be put back in the RECORD, other than the deletion of my remarks.

The SPEAKER pro tempore. The gentleman from Georgia submits a unanimous-consent request. Is there objection?

Mr. HOFFMAN. I object, Mr. Speaker. I ask a ruling on the question of the privilege of the House I have raised.

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman from Michigan has not offered any resolution yet.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Must I offer a resolution in order to have the question of the privilege of the House passed upon?

The SPEAKER pro tempore. In order to raise that question a resolution must be offered. The gentleman from Mississippi has made the point of order that no resolution has been offered.

Mr. HOFFMAN. Very well, I offer such a resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

> Whereas the CONGRESSIONAL RECORD of April 25, 1940, is not, on pages 5046 to 5051, inclusive, a true and accurate record of the proceedings that took place on the floor of the House on yesterday, in that there is omitted therefrom a demand which was made on the floor of the House by the gentleman from the Twelfth Congressional District of Michigan that certain words uttered on the floor of the House by the gentleman from the Second District of Georgia be taken down, and, there is omitted therefrom, the ruling of the Speaker upon such demand, and there is omitted therefrom a motion which was made by the gentleman from the Twelfth District of Massachusetts, and there is omitted therefrom the vote taken on

said motion, and there is omitted therefrom the result of said vote and the subsequent direction of the Speaker to the gentleman from Georgia to continue: Now, therefore, be it

Resolved, That the RECORD of the House be corrected and that the proceedings above referred to be printed therein.

Mr. HOFFMAN. Mr. Speaker, I demand recognition on the resolution.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HOFFMAN. For how long?

The SPEAKER pro tempore. For 1 hour if the gentleman desires.

Mr. HOFFMAN. Mr. Speaker, it is a strange procedure where after for more than 3 or 4 or almost 6 years, during which this House has been asked to delegate its power to the administration or the executive branch of the Government, where after the executive branch had made an assault upon the courts and endeavored to influence the judicial procedure of the courts——

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman from Michigan [Mr. HOFFMAN] should confine his remarks to the resolution.

The regular order was demanded.

The SPEAKER pro tempore. The gentleman from Mississippi is seeking to make a point of order.

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman from Michigan has no right to go out of his way and attack the administration. He must confine his remarks to his resolution.

Mr. HOFFMAN. I recognize that fact, but since when in this country is a Member of the House denied the right on the floor of the House to attack the opposition? Such a denial of the right of criticism is the correct procedure in Russia and in Germany, but I am not aware that that is the proper procedure here in this House.

The SPEAKER pro tempore. The point of order is well taken, and the gentleman from Michigan [Mr. HOFFMAN] will proceed in order.

Mr. HOFFMAN. That is what I am trying to do.

Mr. COX. Will the gentleman yield to me?

Mr. HOFFMAN. Not now. I am calling the attention of the House to the seriousness of this question of procedure. Where in a country which is supposed to be free, where in a country after 7 years it is almost impossible for a man to carry on his business, where the Supreme Court of the United States has said that the remedy, if there is a remedy, when a man's business is destroyed, rests with Congress.

Note the language from the decision of the United States Circuit Court of Appeals for the District of Columbia in *Fur Workers Union, Local No. 72, et al.*, v. *Fur Workers Union, No. 21238, and H. Zirkin & Sons, Inc.* (decided March 27, 1939, and reported in 105 Fed. (2d) 1, and afterward affirmed by the United States Supreme Court on December 11, 1939). This is the language of the circuit court of appeals:

> The argument is that unless injunction can issue in such a situation, the employer may well, for lack of other remedy, see his business destroyed. * * *
>
> It is clear further that in such a situation there is no remedy for the employer under the National Labor Relations Act. * * *
>
> The result is an inequality before the law as between an employer and employees in this particular, namely, that while the employer has a substantive right to carry on his business, he lacks a legal remedy for protecting the same against injury through the struggle of competing unions.

And the court then said:

> Such argument of hardship must be addressed to Congress.

The circuit court of appeals, in a decision affirmed by the United States Supreme Court, having told us that a man's business might be destroyed; that the Court could not, or at least would not, protect him; and that his remedy was with Congress, is it not incumbent upon us to protect the record of our proceedings? To insist that the CONGRESSIONAL RECORD shows what happens here in Congress day by day? That it be a truthful account of the doings of the representatives of the people?

Mr. SABATH. Mr. Speaker, I make the point of order that the gentleman is not confining himself to the resolution.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HOFFMAN] will proceed in order.

Mr. HOFFMAN. I regret very much that the gentleman, who comes from that very, very small district in the city of Chicago, and who represents so very, very few people in Illinois, should object to a statement of the reasons why it is important that the RECORD of the House should truthfully set forth the proceedings of the House. When interrupted, what I was trying to say was this: When, after the Supreme Court in two decisions has stated that under the legislation passed by this body the business of a man—and they stated it in a case which involved a Washington resident—might be ruined and taken from him, and that the courts had no authority or no power to extend aid and that the remedy rests with Congress——

Mr. BULWINKLE. Mr. Speaker, I dislike to make a point of order, but the House has certain rules, and the gentleman who is trying to enforce the rules of the House should be governed by the rules of the House.

Mr. HOFFMAN. I agree, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HOFFMAN] was not proceeding in order when the gentleman from North Carolina [Mr. BULWINKLE] made the point of order.

Mr. HOFFMAN. You mean in laying the foundation, in attempting to show the necessity of the RECORD of the House being a true and an accurate account of the proceedings of the House, I am not in order?

The SPEAKER pro tempore. The Chair has ruled and does not desire to argue with the gentleman.

Mr. HOFFMAN. I beg the Chair's pardon. I do not want to argue, I only want to state the reasons for the introduction of the resolution, the purpose which it seeks to accomplish, the necessity for the House taking action on the matter.

The SPEAKER pro tempore. The gentleman was not proceeding in order and the Chair now asks for the third time that the gentleman proceed in order.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HOFFMAN. In just a minute. All I am attempting to do, and I hope I may have intelligence enough to proceed in order——

Mr. BULWINKLE. I hope so, too.

Mr. HOFFMAN. Is to show—I object to the gentleman interrupting me, when he violates the rules of the House by speaking without recognition from the Chair and at a time when I had not yielded to him.

Mr. SCHAFER of Wisconsin. Mr. Speaker, the gentleman from North Carolina [Mr. BULWINKLE] is out of order.

The SPEAKER pro tempore. The gentleman is out of order. The Gentleman from Michigan [Mr. HOFFMAN] will proceed in order.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for a question?

Mr. HOFFMAN. I yield for a question.

Mr. SCHAFER of Wisconsin. The question raised by the gentleman is a highly important one, particularly from the viewpoint of those who believe in our American constitutional system of Government. Of course, the New Deal bureaucrats who want to regulate everything used or done by man from the cradle to the grave, with or without constitutional sanction, might not think so. In view of its importance and in view of the fact that our colleague, the gentleman from Georgia [Mr. COX], has indicated that he had nothing to do with striking out vital parts of yesterday's daily CONGRESSIONAL RECORD, do you not think it would be well for the gentleman from Michigan to yield now to ascertain whether any other Member of this House had anything to do with striking out those vital parts? The RECORD today reveals that the gentleman from Georgia [Mr. COX] had nothing to do with it. He is an honorable gentleman and we do not want these proceedings to directly or indirectly indicate he did, because we know that he believes in our American constitutional system of government,

even though John L. Lewis, who has some people in his vest pocket, apparently does not.

Mr. MAY. Will the gentleman yield for a parliamentary inquiry?

Mr. HOFFMAN. I decline to yield.

In reply to the observation of the gentleman from Wisconsin, there is no intimation on my part, none whatever, that the gentleman from the Second District of Georgia left these remarks out of the RECORD. I made no such charge because I know that the gentleman from Georgia, who is always speaking in favor of constitutional government, the integrity of the courts and the records of the courts, would not think of such a procedure. I have not the slightest doubt he would be the first, had he noticed it, to raise the question, showing that the RECORD of the House as printed this morning is not a true record of what happened. The point which I wish to call to the attention of the House is this, that in this day and age when we have so much information as to what is happening in this Government of ours, and when we have so many of what to many of us seem to be strange rulings of the departments, of administrators; and when we have the governmental agencies making rulings which have the force of law——

Mr. RANKIN. Now, Mr. Speaker, I make the point of order that the gentleman is out of order.

Mr. HOFFMAN. Which are in fact legislation, that it is highly important, it is of supreme importance, and I hope the gentleman from Mississippi understands what I am trying to say—which is that the RECORD of the House should be a true statement of motions made and votes taken in the House—which the printed RECORD this morning is not.

Mr. RANKIN. No; I never have understood what the gentleman is trying to do, I am sorry to say.

Mr. HOFFMAN. He would be the first to insist that the daily RECORD——

Mr. RANKIN. That is what I am trying to do.

Mr. Speaker, I renew my point of order. The gentleman has a resolution. He has the right to speak to that resolution only, and not to go outside and attack the administration and to make a political speech. I make the point of order that he is out of order and has violated the ruling of the Chair.

The SPEAKER pro tempore. The Chair once more desires to call the attention of the gentleman from Michigan to the fact that he must proceed in order and speak to the matter at hand. The Chair trusts that under the rules that is all that will be necessary for the Chair to say. The gentleman will proceed in order and discuss his resolution.

Mr. COX. Mr. Speaker, will not the gentleman yield to me at this moment?

Mr. HOFFMAN. Not at this time.

Mr. Speaker, I am trying to proceed in order and discuss the resolution. If the only way that a resolution can be discussed is to repeat the words of the resolution, then that is a new method of debate to me. I had always supposed that, when a resolution was offered, you could go back and show the facts on which it was based, the reasons for the resolution, and the purpose of the resolution.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I will yield to the gentleman from Wisconsin for a brief question.

Mr. KEEFE. May I say to the Members of the House and to the gentleman that I think it is the general consensus of opinion of every Member of the House that the point of order and the question of privilege raised by the gentleman from Michigan is very sound, and that the question involved is highly important, in order that the integrity of the CONGRESSIONAL RECORD may be maintained. Now, it seems to me that the gentleman from Michigan has very clearly presented the issue, and I do not believe that more can be accomplished than to have the opinion of the House clearly manifested by restoring the RECORD so that it will show clearly and exactly what transpired yesterday in the proceedings of this House. I trust that the House will speedily adopt this resolution so that the RECORD may clearly demonstrate the proceedings which took place.

Mr. GAVAGAN. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GAVAGAN. Mr. Speaker, the gentleman from Michigan yielded to the gentleman from Wisconsin for a point of order, but instead of——

Mr. HOFFMAN. Oh, no.

Mr. KEEFE. Oh, no.

The SPEAKER pro tempore. As the Chair understood it, the gentleman from Michigan yielded to the gentleman from Wisconsin for a statement.

Mr. HOFFMAN. A question.

Mr. GAVAGAN. I understood the gentleman from Wisconsin to ask the gentleman to yield for a question. Instead, he is making a speech.

The SPEAKER pro tempore. The time is under the control of the gentleman from Michigan, and he can yield to whom he pleases.

Mr. KEEFE. May I ask the gentleman from Michigan at this time whether or not the purpose of his question of privilege will not be served by having the House speedily adopt this resolution and restore the RECORD to its position as it took place on the floor of the House yesterday, or by adopting the unanimous-consent request of the gentleman from Georgia?

Mr. COX. Mr. Speaker, will the gentleman yield to me? Will my friend from Michigan yield to me?

Mr. HOFFMAN. Not just now.

Mr. COX. I think you ought to yield at this time.

Mr. HOFFMAN. I know you and I sometimes disagree. I regret I cannot yield now.

Mr. COX. Not always.

Mr. HOFFMAN. No; just once in awhile we disagree.

Mr. COX. And we are not in disagreement on the point which you raise.

Mr. HOFFMAN. I am sure of that.

Mr. MICHENER rose.

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. MICHENER. I have not read the resolution; I heard it read. It seems clear that there is nothing in the resolution but what is proper, and there is nothing in the resolution but what the Speaker will find is correct. That being true, will not the gentleman yield to me or to someone to ask unanimous consent that the RECORD be corrected according to what transpired?

Mr. HOFFMAN. In answer to the gentleman, I recall that not so long ago we had another question before us involving the integrity of the House, and that after that question had been referred to a committee certain proceedings were taken and the objectionable matter was withdrawn, but later the same matter was referred to again on the floor of the House, and later part of it found its way into the newspapers. It seems to me that if the House really wants the RECORD to show what actually happened, action by the House should be taken. I hope there is no misunderstanding now, and I, too, think that the best interests of everyone will be served if we get to a speedy determination. I am going to contribute something toward that idea.

Let me here restate the matter which was omitted from the RECORD. From yesterday's proceedings on the floor was omitted, first, a demand which was made on the floor of the House by the gentleman from the Twelfth Congressional District of Michigan that certain words uttered on the floor of the House by the gentleman from the Second District of Georgia be taken down; second, the ruling of the Speaker upon such demand; third, a motion which was made by the gentleman from the Twelfth District of Massachusetts; fourth, the vote taken on said motion; and, fifth, the result of said vote and the subsequent direction of the Speaker to the gentleman from Georgia to continue.

Does the House realize that out of the RECORD was left the vote on the motion made in the House and adopted? If from the printed RECORD of the proceedings of the House may be omitted a motion made in the House, the vote by which that motion was adopted, then there is no reason why it would not

be proper to omit from the proceedings of the House the motion to adopt the resolution which was adopted yesterday, and the roll call on that resolution, or any other motion or resolution or vote thereon.

It does seem to me that the House should express itself on this resolution, and therefore I will ask for a vote, and I move the previous question on the resolution and demand the yeas and nays on it.

Mr. COX. Now, Mr. Speaker, will the gentleman yield to me before he yields the floor?

The SPEAKER pro tempore. The gentleman from Michigan moves the previous question on his resolution.

The question was taken; and on a division (demanded by Mr. HOFFMAN) there were—ayes 102, noes 139.

So the previous question was rejected.

Mr. COX. Mr. Speaker, may I have recognition?

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. COX. Mr. Speaker and my colleagues, blame properly attaches to me for not having examined that part of the RECORD which was stricken when my remarks came to me. If I had gone over it, of course, I would have recognized that there were parts that were stricken out that should have remained. I concede, of course, that the gentleman from Michigan is correct in the position he takes; that is, that there are parts of the RECORD deleted that should have remained in and ought to be in. It was for that reason that I asked unanimous consent that the entire proceedings be restored with the exception of my remarks which were withdrawn, and, as I stated to the House, I asked unanimous consent to withdraw them because of the ruling of the Chair and, therefore, felt that I owed that much to the aggrieved party and to the House, and I do now. Mr. Speaker, I ask unanimous consent to restore the matter stricken from the RECORD.

Mr. HOOK, Mr. RANKIN, and Mr. MAAS reserved the right to object.

The SPEAKER pro tempore. Let the Chair put the question. The gentleman from Georgia asks unanimous consent that the matter referred to be restored to the RECORD. Is there objection to the request of the gentleman from Georgia?

Mr. HOOK and Mr. MAAS reserved the right to object.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Michigan [Mr. HOOK].

Mr. RANKIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. As a matter of fact, and under the rules of the House, without going through all this hullaballoo, could not this have been corrected if the gentleman from Michigan had merely made a point of order that this material should go into the permanent RECORD and should not have been inadvertently stricken out?

The SPEAKER pro tempore. It would have taken some action by the House and the gentleman from Georgia made a request which would have done it. The gentleman from Georgia has the floor and the gentleman from Michigan [Mr. HOOK] has reserved the right to object.

Mr. HOOK. Reserving the right to object, Mr. Speaker, and I shall not object, it seems as though this controversy here involves a situation that arose concerning myself, and certain remarks by the gentleman from Georgia [Mr. COX]. You are well aware of the action of the speaker with regard thereto. Now, I feel this way about it. I am ready and willing to adopt the Golden Rule and do unto others as I would expect others to do unto me, even though that rule was not applied on a previous occasion in which I was also the center of the storm. I hope that the controversy over this affair will not reach the low level that was reached at that time. It is my honest opinion that this resolution was brought in here for the purpose of bringing about further discussion of the controversy that happened yesterday. I am not a party to this resolution. I think it is an unnecessary interruption of the business of the House. This controversy should be ended right now. I therefore will not object to the request. Hereafter let the rules of the House be adhered to and avoid such affairs as this.

Mr. MARTIN of Massachusetts. Mr. Speaker, I believe the gentleman from Michigan should confine himself to the facts and not to what he believes.

The SPEAKER pro tempore. The gentleman from Michigan will proceed in order.

Mr. HOOK. I therefore shall not object.

Mr. MAAS. Reserving the right to object, Mr. Speaker, does the gentleman from Georgia know who did strike out the pertinent parts of the RECORD?

Mr. COX. I have no more idea than the gentleman himself.

Mr. MAAS. Can the gentleman tell us who it was that initialed the copy prior to the gentleman receiving it?

Mr. COX. I do not recall.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object. Does not the gentleman believe that the House should determine who attempted to sabotage yesterday's CONGRESSIONAL RECORD?

Mr. COX. I think that question might properly be brought up under a resolution to investigate.

Mr. SCHAFER of Wisconsin. It is a very important question to determine.

Mr. COX. Probably so. I am sure that nobody intended to do anything wrong.

Mr. SCHAFER of Wisconsin. I am very glad that the gentleman had nothing to do with it and I shall not object to his request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Michigan withdraw his resolution?

Mr. HOFFMAN. Mr. Speaker, inasmuch as unanimous consent is granted and it accomplishes the same purpose, I see no object in pressing the resolution. I withdraw the resolution.

PHOSPHATE RESOURCES OF THE UNITED STATES

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 199, amending Public Resolution Numbered 112 of the Seventy-fifth Congress and Public Resolution Numbered 48 of the Seventy-sixth Congress, and consider the same at this time.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to take from the Speaker's table Senate Joint Resolution 199 and consider the same. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the life of the committee provided for by Public Resolution No. 112 of the Seventy-fifth Congress, creating a Joint Congressional Committee to Investigate the Adequacy and Use of the Phosphate Resources of the United States, and Public Resolution No. 48 of the Seventy-sixth Congress, and the time for making its final report, is extended to January 15, 1941.

The SPEAKER pro tempore. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. As I understand it, this merely continues this investigation.

Mr. PETERSON of Florida. That is correct.

Mr. MARTIN of Massachusetts. And the committee has not expended the fund?

Mr. PETERSON of Florida. No. The original report states that we have expended none of the funds, and we will keep within the amount allowed.

Mr. MARTIN of Massachusetts. I have no objection.

Mr. CASE of South Dakota. Mr. Speaker, further reserving the right to object, is it not true that the only reason that the committee was prevented from completing its work and making its report was because of the special session last fall?

Mr. PETERSON of Florida. Yes; otherwise we would have completed our work.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SABATH. Mr. Speaker, I reserve the right to object.

Mr. PETERSON of Florida. Mr. Speaker, this resolution was reported out originally by the gentleman's committee. We have kept within the funds allowed. In fact, we have not spent any of the funds, and we are merely asking that the date be moved up within which to make a report. The Senate passed this Monday last.

Mr. SABATH. What resolution is it?

Mr. PETERSON of Florida. It merely extends the time within which we may make our report.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a telegram from Pilot Ted Jonson, of the American Air Lines.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the memorial exercises for Representative CLYDE H. SMITH, of Maine, and to include therein the tributes paid to his service at the exercises in his memory at Skowhegan, Maine; also an address delivered by Representative SMITH as a young man of 21, when a member of the Maine Legislature, at memorial exercises for Hon. Thomas B. Reed, a former Representative from Maine and a former Speaker of the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in two respects.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article from the magazine American Mercury, by Stanley High.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House, by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 23, 1940:

H. R. 2041. An act for the relief of Tom Kelly.

On April 25, 1940:

H. R. 6039. An act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes;

H. R. 6693. An act to amend provisions of law relating to the use of private vehicles for official travel in order to effect economy and better administration; and

H. J. Res. 289. Joint resolution to amend section 5 of Public Law No. 360, Sixty-sixth Congress.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of flood control, soil, and water conservation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

OBSERVANCE AND COMMEMORATION OF AMERICAN CITIZENSHIP DAY

Mr. SUMNERS of Texas. Mr. Speaker, I call up the conference report on the resolution (H. J. Res. 437) authorizing the President of the United States of America to proclaim Citizenship Day, for the recognition, observance, and commemoration of American citizenship.

The Clerk read the title of the House joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Joint Resolution (H. J. Res. 437) authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments, and agree to the same.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
Managers on the part of the House.

ALBERT B. CHANDLER,
JNO. E. MILLER,
ALEXANDER WILEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 437) authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship, submit the following explanation of the effect of the action agreed upon in conference, and recommended in the accompanying conference report:

The Senate amendment to the preamble simply omitted the word "voting" before the word "age", in the first paragraph of the preamble. The House agrees to this amendment.

The Senate amendment to the joint resolution added after the word "citizenship" at the end of the first paragraph, the following: ", and the day shall be designated as 'I Am an American Day.'"

The House conferees were of the opinion that this amendment was not objectionable because the prime purpose of the joint resolution is to emphasize the privileges and responsibilities of being an American citizen. The House agrees to this amendment.

The Senate amendment to the title merely conformed the title of the joint resolution to the designation "I Am an American", and the House agrees to this amendment.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. CASE of South Dakota. Mr. Speaker, I would like to ask the chairman of the Judiciary Committee if any consideration was given by the committee to the fact of the day that is designated. As I understand it, this calls for the setting aside of a certain day as Citizenship Day. It occurred to me when reading the debate in the RECORD that some consideration should have been given to the setting of some day other than Sunday.

Mr. SUMNERS of Texas. I had assured the Speaker that this matter would not take up any time. I will ask the gentleman from Alabama [Mr. HOBBS] if he will make a statement for the gentleman.

Mr. HOBBS. Mr. Speaker, as requested by the distinguished gentleman from South Dakota [Mr. CASE], I am happy to make this statement with reference to the date fixed for "I am an American Day."

This matter was given consideration not only by the authors of the bill, but also by the subcommittees, the full committees, by the Senate and by the conferees. So much so, in fact, that the date was changed several times. But

the changes of the date were not for the reason which the careful and conscientious legislator from South Dakota has just told me, actuated his interrogation.

He rose because of his doubt of the wisdom and propriety of prescribing Sunday as the day for the observance.

I honor him for raising the question.

The Lord's day is not ours to use for secular purposes. It is a holy day—not a holiday. It must not be desecrated.

Nor should we be unmindful of our traditional and honored American doctrine of separation of church and state.

But none of us who have worked on this bill believes for a moment that there is even the possibility of desecration implicit in the observance here ordained. We hold, rather, that this observance will prove a hallowed and deeply religious exercise. It must, if the ideology back of it governs. It means consecration—not desecration.

Separation of church and state has never meant that the influence of the church was not desired in affairs of state. Nothing is more so. In truth, that uplifting influence working in the hearts and lives of all men is the only hope of the world.

The Constitution inhibits only the establishment of religion by law. It guarantees religious freedom—not that religion shall be aloof from life.

The author of the Virginia statute for religious freedom proved by his hope of divine guidance of our Nation by joining Franklin and Adams in designing our first currency with the pillars of cloud and of fire prominently depicted thereon.

Every nation needs statesmen who are churchmen; churchmen who are statesmen; a citizenship that means what our coinage proclaims, "In God we trust."

So, by all means, let us not secularize Sunday but use its holy power to uplift and consecrate citizenship. There must never be here a state church nor a church state, but let us invite, welcome, and utilize the help of every church in building a better state.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an address delivered by Senator BRIDGES, of New Hampshire.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks and include a telegram from Moss Peterson Southwestern Division Air Congress of America.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter addressed to me by Prof. Comfort A. Adams, former dean of the Harvard School of Engineering.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a resolution passed by the Western Association of Highway Officials.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

INCREASE OF PENSIONS TO CERTAIN WIDOWS OF VETERANS OF THE CIVIL WAR—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 710)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without approval, H. R. 6901, entitled "An act granting increase of pensions to certain widows of veterans of the Civil War."

The bill provides increased pensions to 362 widows of veterans of the Civil War at rates in excess of those provided for these widows by existing public or private laws.

The Veterans' Administration was not requested to furnish a report to either committee of the Congress having jurisdiction of this bill during its consideration by the committees.

Several of the widows named in the bill have been granted increases by reason of attaining age 70 under the provisions of existing public law since this bill was first reported in 1939. A small number will become eligible in the future for increases under the same conditions. As to the private act cases which would be increased to $30 per month, eligibility under existing service pension laws does not exist because of the delimiting marriage date.

The existing service pension law provides a $50 monthly pension for a Civil War veteran's widow provided she was the wife of the veteran during his Civil War service. The bill would provide increases from $40 to $50 per month for 346 widows who are not eligible for such $50 rate under public law and who are receiving $40 per month because of attainment of age 70.

It is quite evident that the Congress was impressed by the advanced age, economic condition, and physical infirmities of this group. Such considerations incite the greatest sympathy and would be impelling were it not for the fact that this group of 362 widows is only a small part of the total number of 50,017 Civil War widows on the rolls March 31, 1940, many of whom would no doubt be found to be in similar circumstances and merit equal consideration and treatment. To single out this small group for special consideration would cause dissatisfaction and disappointment unless equal treatment were afforded similar meritorious cases.

To advance the 346 widows of veterans to the $50 rate who were not married to the veterans when they served will, at this late date, depreciate the status the Congress has seen fit in the past to grant to a very meritorius group. Further, the rate of $50 per month exceeds the highest rate granted to widows of veterans who have died in combat or otherwise as the result of service-connected disabilities, which, I believe, cannot be justified, no matter how impelling our sympathies may be for those who would benefit by this proposed legislation.

The increased annual cost of this bill is insignificant standing alone but the principle involved and inequalities created are of much importance. Should the bill be approved, to be fair, it would be necessary to grant similar increases to many more on the rolls.

In my opinion, our Government has been fairly generous in providing pensions for the Civil War group through the enactment of public laws providing standards under which all veterans and dependents are treated alike under similar circumstances. I do not feel that individuals should be granted benefits to which they are not entitled under the public laws unless it is clearly shown that the facts and circumstances surrounding the individual case are unique and justify special consideration.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 25, 1940.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill printed as a House document.

The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. LESINSKI. Mr. Speaker, as chairman of the committee which recommended this legislation to the House, I believe it is my duty to offer an explanation of the contents of the bill.

The SPEAKER pro tempore. If the gentleman insists, the Chair will certainly recognize him.

Mr. LESINSKI. Mr. Speaker, in justice to the committee and the Members of the House, I believe that I should make such explanation.

The SPEAKER pro tempore. The gentleman is recognized for 1 hour.

Mr. LESINSKI. Mr. Speaker, H. R. 6901, which was the subject of the veto message, was passed by this House on July 5, 1939. The Senate passed this bill with amendments on April 10, 1940. The House concurred in the Senate amendments on April 15, 1940. This legislation had for its purpose the granting of increase of pensions to certain widows of veterans of the Civil War.

The reason for these increases is that the present law provides that the widow of a Civil War veteran shall receive a pension of $30 and when she attains the age of 70 years the amount is increased to $40 per month. That is the maximum they can receive unless they were married to the veteran during his Civil War service; in such cases they are entitled to $50 per month. I might add that the $30 and $40 rates are paid under the service-pension laws to widows who married the veteran prior to June 27, 1905.

In years past Congress has enacted special acts for such widows who were not capable of caring for themselves and who needed special attention because of mental or physical disabilities. These acts have increased their pensions to $50.

The original House bill carried 341 private bills involving a total cost of $41,148. Already deaths of widows who would be beneficiaries have reduced the cost to $40,428, even before it was considered by the Senate. The Senate amendments added 31 additional pensioners. This brought the cost for the first year of operation to $44,148.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. COCHRAN. The gentleman has referred to the cost of this bill. The President specifically stated in his message that the cost was insignificant. The President lays stress upon the principle involved. The bill takes care of 362 widows out of a total of 50,017. That seems to be the present objection, not the cost.

Mr. LESINSKI. Answering the gentleman from Missouri, I may say that I called on the President last year before any type of bill was considered by the committee. At that time the President very specifically stated that he did not favor general legislation and that meritorious cases could be taken care of by private bills and would be less expensive. That is the reason this bill was presented to the House. As a matter of fact it contained only 341 private bills when it was reported by the committee.

Let us see what increases in pension this bill makes in the case of the widows benefited. One is increased from $15 to $30, 2 increased from $20 to $30, 1 from $26 to $30, 13 from $30 to $40, 2 from $30 to $50, and 322 from $40 to $50.

The majority of these beneficiaries are of advanced age. Of the 341 individuals named in the original bill as reported to the House 264 have attained the age of 80 years or more. Of this group 196 are between the ages of 80 and 89; 66 are between the ages of 90 and 99; and 2 of them are aged 100 years.

The committee in its wisdom felt that people who had reached the age of these widows and who needed special care and attention were entitled to a little higher pension than the existing law provided.

This type of bill has received the approval of the Congress from time to time for the past 40 years and establishes no precedent. I ask that the House do not sustain the President's veto of this very meritorious legislation.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. JOHNSON of Oklahoma. As I understand this bill does not add any names to the list of those now receiving pensions but merely increases the mere pittance they now receive to take care of themselves in their old age.

Mr. LESINSKI. That is correct.

Mr. BOLLES. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. BOLLES. Is it not a fact that whatever amount is appropriated by this bill will be constantly diminished in size?

Mr. LESINSKI. That is correct.

Mr. BOLLES. For instance we cannot expect these 100-year-old widows to live very long.

Mr. LESINSKI. That is correct.

Mr. BOLLES. The same applies to those between 80 and 99.

Mr. LESINSKI. Certainly.

Mr. BOLLES. This action taken by the Committee on Invalid Pensions was taken for the sole purpose of correcting those cases which had been overlooked heretofore.

Mr. LESINSKI. That is correct.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. ROBSION of Kentucky. As I understand the chairman of the committee, all of these persons are now on the pension rolls.

Mr. LESINSKI. That is correct.

Mr. ROBSION of Kentucky. What is the age of the youngest person included in the bill?

Mr. LESINSKI. I am sorry that I cannot give you that information, but the average age of these proposed beneficiaries is 84 years.

Mr. ROBSION of Kentucky. And what is the age of the oldest person?

Mr. LESINSKI. Exactly 100.

Mr. ROBSION of Kentucky. So this applies to a class of people now on the rolls between the ages of 80 and 100 years of age?

Mr. LESINSKI. Correct.

Mr. ROBSION of Kentucky. Are they all needy persons?

Mr. LESINSKI. The committee has a set rule that unless a person is needy we do not recommend an increase in the rate of pension they are receiving.

Mr. ROBSION of Kentucky. Your committee was convinced that every one of these persons between the ages of 80 and 100 are in needy circumstances.

Mr. LESINSKI. That is correct.

Mr. ROBSION of Kentucky. I want to say one word to commend the chairman of this committee and his committee for the fine attitude they take toward the Civil War veterans and other veterans and their dependents. I think his attitude is splendid. I am very much in favor of this bill.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. DONDERO. I will add my commendation to that of the gentleman from Kentucky. I want to ask the gentleman one question. The President seems to think that this bill will open the door to the granting of similar increases to many more widows. Is there anything to that?

Mr. LESINSKI. That is not true because this bill does not set a precedent. The precedent was established 40 years ago.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. SCHAFER of Wisconsin. As a minority member of the committee I want to congratulate the gentleman for bringing to the attention of the House the facts with regard to this meritorious bill. This bill was reported out by a unanimous vote of the committee after thorough and extensive consideration, was it not?

Mr. LESINSKI. That is true.

Mr. SCHAFER of Wisconsin. The President states in the last line of his veto message:

> I do not feel that individuals should be granted benefits to which they are not entitled under the public laws unless it is clearly shown that the facts and circumstances surrounding the individual case are unique and justify special consideration.

Mr. LESINSKI. We believe these cases are justified by the facts set forth in the individual reports which accompanied the bill.

Mr. SCHAFER of Wisconsin. Has not the committee carefully studied all of the bills contained in this omnibus bill?

Mr. LESINSKI. It has.

Mr. SCHAFER of Wisconsin. And the committee has found that these are cases which are unique and justify special consideration?

Mr. LESINSKI. That is correct.

Mr. SCHAFER of Wisconsin. Therefore, following the last line of the President's veto message, this bill should be passed over the President's veto by unanimous vote?

Mr. LESINSKI. I am of the same opinion.

Mr. LUDLOW. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Indiana.

Mr. LUDLOW. Under nature's mortality tables, in all probability quite a number of these aged people will pass away before long?

Mr. LESINSKI. The average now is about 13 percent a year and it increases quite rapidly when you get to the widows in the higher-age brackets. I doubt whether many of those named in this bill will live over 2 or 3 years longer.

Mr. LUDLOW. Assuming they all do live, what would be the total charge on the Treasury?

Mr. LESINSKI. It would be $44,148 the first year, and as they die off, of course, it will decrease.

Mr. COSTELLO. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from California.

Mr. COSTELLO. Is it not a fact that this pension, as the President states, is going to be far in excess of what any widow of a World War veteran who was killed in the war is receiving at the present time? Do not such widows receive only $30 a month?

Mr. LESINSKI. The widows of World War veterans receive $45 a month if they are past 50 years of age. That was increased not long ago. The widows of World War veterans are not 80, 90, or 100 years old and they do not, as a general rule, need special care.

Mr. COSTELLO. But widows of World War veterans may have far greater expenses than a person who is 80 or 90 years old. While the gentleman states there are only a few affected by this legislation, is it not a fact that there are going to be forty thousand or fifty thousand of these widows who will also come in for the same treatment and the ultimate cost will be very high?

Mr. LESINSKI. I do not agree with the gentleman, because these widows die off in the low-age brackets just as fast and sometimes faster than those in the higher brackets. The record shows that 823 widows of Civil War veterans died this past month.

Mr. COSTELLO. But there is still a large group of them.

Mr. LESINSKI. There is, but the list keeps going down and down.

Mr. BOLLES. There is a constant attrition.

Mr. LESINSKI. Yes.

Mr. BOLLES. And 10 years from now under the mortality tables there will be but one-third of those on the roll left?

Mr. LESINSKI. I personally do not believe there will be one-third.

Mr. BOLLES. We checked that out and found that is the fact.

Mr. IZAC. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from California.

Mr. IZAC. Will the gentleman explain to the House how it happens that so many of these widows receive as low as $15 a month?

Mr. LESINSKI. There is only one widow receiving $15 per month in this bill and that rate was granted her by a special act of Congress approved in 1926.

Mr. IZAC. It is obvious these widows have been underpaid all these years?

Mr. LESINSKI. That is true, some of them have.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. By "private establishment" the gentleman means the Regular Army, Navy, and Marine Corps in times of peace?

Mr. LESINSKI. That is right.

Mr. ROBSION of Kentucky. The President in vetoing H. R. 6901, granting an increase of pension to certain widows of veterans of the Civil War, again in my opinion showed his lack of sympathy for the defenders of our country and their widows and orphans.

The President stated in his veto message that he did not feel that individuals should be granted benefits to which they are not entitled under the public laws unless it is clearly shown that the facts and circumstances surrounding the individual case are unique and justify special consideration.

None of these widows of Union Civil War veterans are receiving more than $40 per month. Some of them are receiving as low as $30 per month. The minimum age of these widows is 80 years, and two of them that would be included in this bill are 100 years old—that is to say, not one of them is less than 80 years of age and two of them are as much as 100 years old. They are all persons in needy circumstances, according to the evidence produced before the Invalid Pensions Committee. They are in need of the aid and attendance of another person. It would be difficult to find a group of aged people more deserving than these aged Civil War widows.

This bill provides a pension of $50 per month for each of them. That will mean very little expense to the Government. Perhaps half of them will be dead within a year, and more than likely none of them will be living in 4 or 5 years from now. It certainly is clearly shown that the facts and circumstances surrounding these individual cases are unique and justify special consideration, and if we follow the language of the President, these widows certainly are entitled to this consideration and the veto of the President should be overruled and the bill passed notwithstanding his veto. It is my pleasure to so express myself and vote to override the President's veto.

This administration has created a very large number of bureaus and commissions and has added approximately 400,000 Federal officeholders. As much as a million dollars has been paid to a single corporation not to produce sugar and cotton. More than $200,000 has been paid to each of a large number of corporations and big landowners not to produce hogs, wheat, corn, cotton, and so forth. It seems to me the small amount carried in this bill to care for the helpless and dependent widows of those who gave their lives or offered their lives to preserve this great Nation should have received the approval of the President instead of his veto. This administration has wasted and squandered billions, and then denies a few thousands of dollars to the widows and orphans of veterans.

The SPEAKER pro tempore. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? The Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 142, not voting 70, as follows:

[Roll No. 88]

YEAS—218

Allen, Ill.	Dworshak	Jennings	Polk
Andersen, H. Carl	Eaton	Jensen	Powers
Anderson, Calif	Elliott	Johns	Rabaut
Anderson, Mo.	Elston	Johnson, Ill.	Reed, Ill.
Andresen, A. H.	Engel	Johnson, Okla.	Reed, N. Y.
Andrews	Englebright	Jones, Ohio	Rees, Kans.
Angell	Evans	Jonkman	Risk
Arends	Fay	Keefe	Robsion, Ky.
Arnold	Fenton	Kelly	Rockefeller
Austin	Fernandez	Kennedy, Martin	Rodgers, Pa.
Ball	Flaherty	Kinzer	Rogers, Mass.
Barnes	Flannagan	Kocialkowski	Routzohn
Barton, N. Y.	Flannery	Kunkel	Rutherford
Bates, Ky.	Ford, Leland M.	Lambertson	Sandager
Bates, Mass.	Fries	Landis	Sasscer
Beam	Gamble	Larrabee	Schaefer, Ill.
Bender	Gartner	Lea	Schafer, Wis.
Blackney	Gearhart	Leavy	Schiffler
Bolles	Gehrmann	LeCompte	Schuetz
Bolton	Geyer, Calif.	Lemke	Secrest
Boykin	Gifford	Lesinski	Seger
Bradley, Mich.	Gillie	Lewis, Ohio	Shanley
Brewster	Goodwin	Ludlow	Shannon
Brown, Ohio	Graham	McAndrews	Smith, Conn.
Buck	Grant, Ind.	McArdle	Smith, Ohio
Buckler, Minn.	Gross	McCormack	Smith, Wash.
Burdick	Guyer, Kans.	McDowell	Spence
Byrne, N. Y.	Gwynne	McGregor	Springer
Cannon, Mo.	Hall, Edwin A.	McKeough	Stearns, N. H.
Carlson	Hall, Leonard W.	McLeod	Stefan
Carter	Halleck	Maas	Sumner, Ill.
Cartwright	Hancock	Maciejewski	Sutphin
Case, S. Dak.	Harness	Magnuson	Sweet
Chiperfield	Hart	Maloney	Taber
Church	Harter, N. Y.	Marcantonio	Talle
Clason	Harter, Ohio	Marshall	Tenerowicz
Clevenger	Hartley	Martin, Iowa	Thill
Cluett	Havenner	Martin, Mass.	Thomas, N. J.
Coffee, Wash.	Hawks	Mason	Thorkelson
Cole, N. Y.	Hendricks	Massingale	Tibbott
Connery	Hess	Michener	Tolan
Corbett	Hinshaw	Mitchell	Treadway
Crawford	Hoffman	Monkiewicz	Van Zandt
Crosser	Holmes	Mott	Vreeland
Crowe	Hook	Mundt	Walter
Crowther	Hope	Murdock, Ariz.	Wheat
Culkin	Horton	Murdock, Utah	Wigglesworth
Cummings	Houston	Murray	Williams, Del.
Curtis	Hull	Myers	Winter
Dempsey	Hunter	O'Brien	Wolcott
Dingell	Izac	O'Connor	Wolverton, N. J.
Dirksen	Jacobsen	Oliver	Woodruff, Mich.
Ditter	Jarrett	Parsons	Youngdahl
Dondero	Jenkins, Ohio	Pittenger	
Dunn	Jenks, N. H.	Plumley	

NAYS—142

Allen, La.	Drewry	Kleberg	Richards
Allen, Pa.	Duncan	Knutson	Robertson
Barden, N. C.	Durham	Kramer	Robinson, Utah
Barry	Eberharter	Lanham	Romjue
Beckworth	Edelstein	Lewis, Colo.	Ryan
Bland	Edmiston	Luce	Sabath
Boehne	Ellis	Lynch	Sacks
Brooks	Ferguson	McGehee	Satterfield
Brown, Ga.	Folger	McLaughlin	Schwert
Bryson	Ford, Miss.	McLean	Sheridan
Byrns, Tenn.	Fulmer	McMillan, John L.	Smith, Va.
Byron	Garrett	Mahon	Snyder
Camp	Gathings	May	Somers, N. Y.
Cannon, Fla.	Gavagan	Miller	South
Casey, Mass.	Gibbs	Mills, Ark.	Sparkman
Celler	Gore	Mills, La.	Sullivan
Clark	Gossett	Monroney	Sumners, Tex.
Cochran	Grant, Ala.	Moser	Tarver
Coffee, Nebr.	Gregory	Nichols	Terry
Colmer	Griffith	Norrell	Thomas, Tex.
Cooley	Hare	Norton	Thomason
Cooper	Hobbs	O'Day	Tinkham
Costello	Johnson, Luther A.	O'Neal	Vincent, Ky.
Courtney	Johnson, Lyndon	O'Toole	Vinson, Ga.
Cox	Johnson, W. Va.	Pace	Vorys, Ohio
Cravens	Jones, Tex.	Patman	Wadsworth
Creal	Kean	Patrick	Ward
Cullen	Kee	Patton	Warren
D'Alesandro	Kefauver	Pearson	Weaver
Darden, Va.	Kennedy, Md.	Peterson, Ga.	West
Davis	Kennedy, Michael	Pfeifer	Whittington
Delaney	Keogh	Poage	Williams, Mo.
DeRouen	Kerr	Ramspeck	Wood
Dickstein	Kilburn	Rankin	Zimmerman
Doughton	Kilday	Rayburn	
Doxey	Kitchens	Rich	

NOT VOTING—70

Alexander	Bloom	Boren	Buckley, N. Y.
Bell	Boland	Bradley, Pa.	Bulwinkle
Burch	Gilchrist	Mouton	Smith, Ill.
Burgin	Green	Nelson	Smith, W. Va.
Caldwell	Harrington	O'Leary	Starnes, Ala.
Chapman	Healey	Osmers	Steagall
Claypool	Hennings	Peterson, Fla.	Sweeney
Cole, Md.	Hill	Pierce	Taylor
Collins	Jarman	Randolph	Voorhis, Calif.
Darrow	Jeffries	Reece, Tenn.	Wallgren
Dies	Johnson, Ind.	Rogers, Okla.	Welch
Disney	Keller	Schulte	Whelchel
Douglas	Kirwan	Scrugham	White, Idaho
Faddis	McGranery	Seccombe	White, Ohio
Fish	McMillan, Clare	Shafer, Mich.	Wolfenden, Pa.
Fitzpatrick	Mansfield	Sheppard	Woodrum, Va.
Ford, Thomas F.	Martin, Ill.	Short	
Gerlach	Merritt	Simpson	

So (two-thirds not having voted in favor thereof) the veto of the President was sustained, and the bill was rejected.

The Clerk announced the following pairs:

General pairs:

Mr. Woodrum of Virginia with Mr. Short.
Mr. Hennings with Mr. Wolfenden of Pennsylvania.
Mr. Dies with Mr. Seccombe.
Mr. Collins with Mr. Reece of Tennessee.
Mr. Burch with Mr. Gilchrist.
Mr. Boland with Mr. Douglas.
Mr. Mahon with Mr. Johnson of Indiana.
Mr. Bulwinkle with Mr. Osmers.
Mr. Nelson with Mr. White of Ohio.
Mr. Chapman with Mr. Murray.
Mr. Randolph with Mr. Fish.
Mr. Faddis with Mr. Darrow.
Mr. Jarman with Mr. Gerlach.
Mr. Starnes of Alabama with Mr. Shafer of Michigan.
Mr. Steagall with Mr. Jeffries.
Mr. Mansfield with Mr. Welch.
Mrs. Clara G. McMillan with Mr. Simpson.
Mr. Caldwell with Mr. Alexander.
Mr. O'Leary with Mr. Green.
Mr. Sweeney with Mr. Keller.
Mr. McGranery with Mr. Bell.
Mr. Mouton with Mr. Claypool.
Mr. Bloom with Mr. Pierce.
Mr. Boren with Mr. Martin of Illinois.
Mr. Peterson of Florida with Mr. Bradley of Pennsylvania.
Mr. Burgin with Mr. Cole of Maryland.
Mr. Schulte with Mr. Harrington.
Mr. Merritt with Mr. Scrugham.
Mr. Wallgren with Mr. Disney.
Mr. Fitzpatrick with Mr. Hill.
Mr. Kirwan with Mr. Voorhis of California.
Mr. Sheppard with Mr. Taylor.
Mr. Healey with Mr. Buckley of New York.

Mr. GROSS and Mr. HOFFMAN changed their votes from "nay" to "yea."

Mr. GARRETT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The message and the bill, together with the accompanying papers, were referred to the Committee on Invalid Pensions and ordered printed. The Clerk will notify the Senate of the action of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—ALASKAN INTERNATIONAL HIGHWAY COMMISSION (H. DOC. NO. 711)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with accompanying illustrations:

To the Congress of the United States:

In accordance with the provisions of the act of Congress "to create a commission to be known as the Alaskan International Highway Commission" approved May 31, 1938, I transmit herewith for the information of the Congress, the report of the Commission.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 25, 1940.*

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MCCORMACK asked and was given permission to extend his own remarks in the RECORD.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I expect to make today on the amendments to the Fair Labor Standards Act of 1938 and include therein certain extracts from letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT

Mr. RICH. Mr. Speaker, on the last roll call I had a pair with the gentleman from Illinois, Mr. KELLER. I do not know how he would have voted. I inadvertently omitted withdrawing my vote. I wish to make this statement to the House.

AMENDMENTS TO FAIR LABOR STANDARDS ACT OF 1938

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5435) to amend the Fair Labor Standards Act of 1938; and pending that, I ask unanimous consent that the time for general debate be extended to run throughout the day, the time to be equally divided and controlled by the gentleman from California [Mr. WELCH] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, then we can take it that there will be no effort made to read the bill or have any voting on amendments today?

Mrs. NORTON. Absolutely not.

Mr. MARTIN of Massachusetts. I have no objection, Mr. Speaker.

Mr. LESINSKI. Reserving the right to object, Mr. Speaker, would the gentlewoman agree to extend the 3 hours of debate provided under the rule to 5 hours, so everybody may have a chance to speak on this bill?

Mrs. NORTON. I am perfectly willing to stay here as long as the Members care to speak. I would say we ought to be able to finish about 5:30. The time originally set was 3 hours of debate, which would bring us up to 4 o'clock, or 10 minutes past 4, and an hour and a half longer, I believe, will probably be sufficient.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent that the time for general debate may be extended from 3 hours to 5 hours.

The SPEAKER pro tempore. The Chair, in his individual capacity, must object to that request.

The Chair may state that the rule provides for 3 hours of general debate. If, under the request of the gentlewoman from New Jersey, the House should sit until 5:30, that would be an extension of an hour and a half, and if the House sits until 6 o'clock, that would practically be an extension of 2 hours.

Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentlewoman from New Jersey.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5435, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mrs. NORTON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I know that there probably is nothing much more tiresome to Members who are not interested in a bill than to listen to its explanation; nevertheless it is absolutely important that the chairman of the committee at least try to explain the bill before the Committee of the Whole. I may say that if there are any in the Chamber who are really not interested in hearing an explanation of the bill, we might proceed much more rapidly if they would just leave the Chamber.

Some of the remarks in debate yesterday seemed to indicate that I am a particularly arbitrary sort of person. The truth really is that my position is a very difficult one. Nobody would like more than I to help all of my colleagues who come to me and ask that amendments be considered that would help them in their respective districts. I know exactly what that means, and I should like to be able to grant their requests, but you know that is quite impossible for the reason that I have a duty to discharge to myself, to my conscience, and also to the Committee on Labor, of which I am the chairman.

You Members all know that the Committee on Labor was especially designed to protect labor. Therefore, if at times I appear to be arbitrary, let me say to you that it is only because I am trying to do for the working people of the country what is very necessary for their protection.

Now that we have voted for this unusual rule, and therefore for consideration of amendments, I trust you will follow the debate attentively, as we who are trying to protect the cause of labor hope to show clearly and definitely the untold hardships and the many injustices which would be worked by the adoption of the amendments and, particularly, those relating to agriculture contained in H. R. 7133, the so-called Barden bill.

During this long struggle to secure consideration of the necessary amendments to the Wage and Hour Act I have come to the inescapable conclusion that my job to protect the working men and women in this country only began with the passage of the Fair Labor Standards Act. It is far more difficult to defend the law against attack than to secure its enactment, I have found.

For those of you who are not familiar with the history of the fight to enact the Fair Labor Standards Act into law I would like to refresh your minds a little and go back a bit into the history of that legislation. Let me take you back more than 2 years, when the wage and hour bill was introduced in the House of Representatives.

I particularly address my remarks to the Members who have come into the Seventy-sixth Congress and are not familiar with exactly what we tried to do when we first attempted to enact this legislation for the benefit of labor.

For the first time in the history of America, those workers of the country who had been paid starvation wages and were worked fantastically long hours by chiseling employers were by law given a small part of what they justly deserved in the form of minimum wages and maximum hours to be worked.

After months of hearings a wage and hour bill was reported to the House by the Committee on Labor in the summer of 1937 and a rule was sought to bring the bill before the House for its consideration.

May I say right here that in this morning's New York Times, I think it was, attention was called to the fact that this wage and hour bill would have been so much better if industry committees had been appointed for the different sections of the country, as is now contemplated for Puerto Rico. I now want to say to you that that is exactly what was in the first bill, which was recommitted to the Labor Committee by the House. When that bill was recommitted to the committee, I recall my friend from Georgia [Mr. RAMSPECK] on the floor of the House telling those who opposed it that they would live to regret having voted it down. I think his prediction has been well justified since that time.

The Rules Committee refused to grant a rule. The result was a petition, signed by 218 Members of the House—the necessary number to override the Rules Committee and requiring consideration of the bill by the House. Due to strenuous opposition on the part of those opposed to all wage and hour legislation, the bill was recommitted to the committee by a vote of the House. Then ensued a long period of further consideration by the Labor Committee and finally another bill emerged and again the Rules Committee refused to grant a rule that would bring the bill to the floor of the House for consideration. For the second time a petition was resorted to and history was made, for within 2 hours and 21 minutes, 218 names were attached to it by the membership. Therefore, it is evident that the majority of the membership

of the House demanded consideration and action on this legislation. The bill was then passed by a large majority, although considerable opposition was offered even at that time.

When Congress assembled in January 1939, Mr. Andrews, then administrator of the Wage and Hour Division, brought to the attention of the Committee on Labor, various inequalities in the law and certain difficulties that had been encountered in the administration of it. After due consideration by the committee, the bill, carrying the number H. R. 5435, was reported favorably to the House by the committee vote of 16 for and 2 against. It should be understood that this bill contained only those amendments necessary for the proper administration of the act and the alleviation of certain unnecessary hardships imposed by the original law.

May I say to you that at that time, and I am sure the gentleman from Georgia [Mr. Cox] will recall the conversation, I felt that we were in very great danger if we opened up the subject at all, of having amendments introduced that would probably tend to emasculate the act. I told him of my difficulty and said that I knew I could count on the gentleman from Illinois [Mr. SABATH] and asked "Do you think if I ask the Rules Committee for a closed rule so we can bring before the House only such amendments to the Wage and Hour Act as would help strengthen it—that we could secure such a rule?" I had this conversation with the gentleman from Georgia [Mr. Cox] because even then I was fearful of bringing this bill to the House.

I felt that the act had not been tested sufficiently. It had been in operation only about 6 months, and we were fearful of amending it at that stage; however, at the same time we thought it was necessary, because real hardship cases had come to our attention. The gentleman from Georgia [Mr. Cox] said to me then, "I am sure we will be able to do that for you." We thereupon immediately started consideration of amendments. What happened is history, and I am not going into it. But at the time the committee reported H. R. 5435 to the House it did so, as I said, with a certain amount of trepidation. I present this brief history of the act to show the long and hard struggle of the proponents of this legislation against a small but very well-organized opposition, whose aim was and always will be to defeat all labor legislation, and here I think it might be wise to refresh your memories as to the details of the struggle to secure consideration of the amendments by the House. Even before H. R. 5435 was actually reported to the House, I was instructed by the committee to consult the leaders of the House and determine the best course of action for consideration of the bill by the House. It was agreed at that time that the only way we could be sure of preserving the act from destruction was to bring the bill up under suspension of the rules, since under that parliamentary procedure no amendment could be offered to it.

This was done, and on June 5, 1939, I called the bill up under suspension of the rules. A second was demanded, and that was objected to. Tellers were demanded, and the House refused by a vote of 110 to 167 to order a second, thereby refusing consideration of the bill. That was a rather unusual proceeding, you will have to admit. Even then forces alien to the interests of labor were exerting their influence in the House. Following the report of the bill by the Labor Committee, the gentleman from North Carolina [Mr. BARDEN], an able member of the committee, and one who was partly responsible for some of the truly valuable contributions to the original act, introduced another bill to amend the wage-hour law. This bill contains such broad so-called agricultural exemptions as to actually defeat the purposes of the act, and it was immediately championed by the opposition groups, who, unfortunately for the laboring men and women in this country, have several strong friends on the Rules Committee. Such was the influence of the foes of the act that the Rules Committee met and voted a rule for the consideration of the Barden bill, although that bill, H. R. 7133—and I repeat it again—was never considered by the Labor Committee. I appeared before the Rules Committee, as did several others, in opposition to granting a rule for H. R. 7133, but to no avail; and thus we find ourselves in the midst of the present confused situation.

In passing, may I say this about my friend, the gentleman from North Carolina [Mr. BARDEN]: I believe that the gentleman from North Carolina [Mr. BARDEN] is perfectly sincere in what he is trying to do, just as I am sincere in what I am trying to do. The difference between us is not very great. The difference between his agricultural exemptions and mine is that he wants to exempt industrial workers who should not be exempted. Many of the people exempted in his bill are exempted in my bill from the hours, but not from the wage provisions of the bill. I contend that $12.60 a week is a pittance for any family to live on. You Members know perfectly well that it is a disgrace to expect any man or woman to live on $12.60 a week.

That is really the basis of our present conflict, whether or not the Congress of the United States wants to go on record as believing that $12.60 is sufficient for the ordinary American worker. I do not feel that the membership of this House will support so disgraceful a proposal. I have the greatest faith in my colleagues, and I do not believe when our checks come in every month for $833 we would be able to face our own conscience if we voted for a bill that would deny to the workers of America a miserable $12.60 for a workweek.

I refuse to believe that when such a bill comes up for a vote you are going to support it.

Now I shall proceed with an analysis of some of these amendments..

In the administration of the law, the Administrator has found that its rigid application to Puerto Rico and the Virgin Islands has created hardship. It is factually true that working conditions in those territories are vastly different, are governed by climatic conditions, living conditions, and general economic factors at distinct variance with those in continental United States. It is impossible to prescribe rigid standards for working conditions in the territories such as are suitable for continental United States. This problem has been one of the most distressing to the Administrator. The Labor Committee, has, therefore, brought before you an amendment to relieve this situation. We are advocating the appointment of industry committees for each industry in Puerto Rico and the Virgin Islands to determine the minimum wages to be paid. This minimum may be—and in practical effect no doubt will be in many instances—less than that prescribed in section 6 of the act. However, such wage rate cannot be prescribed without taking into consideration certain standards set forth in the amendment. We could not, and do not suggest, the offering to the territories of any competitive advantage, but rather hope to equalize, by this amendment, any now existing inequalities.

One of the hardest problems to beset the Administrator was that of defining "area of production." As you all know, I am sure, we used that phrase as a basis for the exemption of workers engaged in the production of agricultural products. It defies fair definition and has created many unfair as well as ridiculous situations. The Labor Committee has decided, therefore, to eliminate entirely the use of the phrase "area of production" and instead lists specifically the branches of agriculture and the work to be performed therein which will be subject to the exemptions from the hours provisions, the wage provision, or both. By so stating the exemptions we feel that no employer or employee can be uncertain of his participation or nonparticipation under the act. By referring to section 3 of H. R. 5435, you will find the operations which we have totally exempted from the hours provisions of the act for 14 weeks in the year and have exempted from the hours provisions up to 60 hours a week for all other weeks. Surely this exemption must eliminate any hardship created by the act in taking care of seasonal or perishable agricultural products. The committee feels it has granted exemptions where and when they are necessary and we are satisfied that justice is being done to both the employer and employee. To insure the practicality of our proposed legislation we have extended to employees engaged

in the handling, tying, drying, stripping, grading, redrying, fermenting, stemming, or packing of leaf tobacco and the storing of it from both the wage and hour provisions of the act. This we have done at the insistence of the industry and its employees. We, of course, do not wish to deny the benefits of the act to anyone, but in some cases it has seemed only practical and just to do so. We have also extended this exemption to employees employed in the preparing, packing, cleaning, or grading of fresh fruits and fresh vegetables in their raw or natural state when such operations are performed immediately off the farm. The farmer, as you know, is exempt now under the provisions of the act. This extends the exemption to employees who are still purely agricultural but whose work is performed just off the farm. The committee in this provision intends to exempt from both wages and hours only such employees as were employed in the cleaning, packing, grading, or preparing of fresh fruits and vegetables in their raw or natural state when such operations are performed in the immediate locality of the farm where produced. It was only intended to take care of the small fresh fruit and vegetable packing operation often carried on by a few farmers for the purpose of packing their own products. We have also extended this exemption to all employees engaged in the ginning of cotton.

Another factor which has caused considerable confusion among both employers and employees is the fact that the Administrator lacks the power to make valid rules and regulations. I believe it is a tribute to the conscientiousness and willingness to cooperate of the American employer to realize that almost 90 percent of the employers of this country are living up to the provisions of the law. These honest employers should not be penalized by competing with cutthroat competition. There are, as you know, many cases in which employees and employers are not sure of their coverage by the act. All the Administrator can do when questioned by interested parties is issue an interpretive bulletin. This is not binding under the law nor does compliance with it protect an individual legally. In order to correct this situation we are proposing in section 4 of H. R. 5435 to authorize the Administrator to make rules and regulations to carry out any of the provisions of the act. This section will also give him the right to define terms used in the act and make special provisions with respect to industrial home work.

As the act is now written it is extremely doubtful whether the wage and hour standards which it establishes can be enforced as to industrial home workers. Under present practice in industrial home work industries, the Administrator is unable to secure proper records on wages and hours of home workers. Business concerns relying on home work for their labor do not ordinarily deal directly with the home workers but turn over the goods or articles on which the work is to be done to contractors who employ the home workers. If time permitted, I could give you concrete examples of cruelty in this field. Section 4 of the amendments would give the Administrator the necessary authority to cope with this situation.

We believe that this section on the whole will quiet much of the unrest which has grown up as the result of the lack of definiteness of the act when applied to an individual business. This change has been approved by the Administrator as most necessary for effective administration of the law.

In section 5 (a) of the proposed amendments your committee contemplates the exemption of employees employed at a guaranteed monthly salary of $200 a month or more. The necessity for this exemption has arisen because under the present act only employees engaged in executive or administrative or professional capacities are exempt by virtue of their positions. It has been found that there are many persons whose work is not clearly administrative or executive but who are high-salaried workers with necessarily flexible hours. Their inclusion has created some hard problems for the Administrator and caused real hardship in many cases. Of course you realize there is nothing in this act which limits the application of this exemption to clerical or so-called "white collar" workers. If a ditch digger received $200 a month he would be similarly exempt under this provision.

In section 5 (b) your committee has taken care of the employees in small telephone exchanges. This has, however, already been enacted into law by Congress in the last session and will be stricken from this bill at the proper time.

In section 6 we have exempted employees employed under the jurisdiction of part 1 of the Railway Labor Act. This affords a similar exemption to employees of refrigerating cars, and so forth, as is now extended to all other branches of the railroad industry under the present act.

In section 7 the committee deals with two very difficult problems—messenger boys and home work in rural areas.

Your committee does not wish to deny the benefits of the act to messengers. However, anyone at all familiar with the telegraph companies knows that they will not be able to pay the highest minimum—40 cents—without great hardship and perhaps even financial ruin. We are therefore offering an amendment which would give the Administrator the power to prescribe wages lower than those set forth in section 6 of the act if certain standards can be met. However, in no case has the Administrator the power to lower the wage below 25 cents an hour.

The difficulty of compliance with the law by home workers in rural areas is, I believe, familiar to most of you. This work bears no resemblance to industrial home work in cities, and its elimination often means the difference between butter on his bread or plain bread to many a farmer. We propose to give the Administrator the power to prescribe wages lower than the minimum set forth in the act.

Section 8 is intended to protect the innocent purchaser of so-called "hot" goods if he can show that at the time he purchased the goods he had no knowledge or reason to believe that they had been produced in violation of wage and hour provisions. This amendment would avoid hardship to innocent purchasers and promote the free movement of goods.

Section 9 of the committee amendments, which amends section 15 (a) (2) of the act, is a technical amendment which is necessary if section 4 is adopted, so that the violation of appropriate regulations will be prohibited. In addition, there is a prohibition against violations of the provisions of any wage order issued by the Administrator pursuant to section 8. This latter prohibition clarifies the act as now written.

Section 10 proposed to give to learners, apprentices, handicapped workers, messengers, and home workers the same right to sue for unpaid minimum wages and unpaid overtime compensation which the act now accords all other employees covered by the act.

Section 11 of the committee amendment would amend section 17 of the act to provide that civil actions to restrain violations of the act may be brought in any district where the defendant is found, or is inhabited, or transacts business. By thus allowing suits against corporations where they are doing business, the amendment will save both defendants and the Government the expense of bringing witnesses many miles from the place of business to the State of incorporation of the business.

Section 12 of the committee amendment prohibits the transportation of prison-made goods in interstate commerce except the transporting of goods from a Federal prison for the use of the Federal Government. This provision is in line with but goes beyond the Ashurst-Sumners Act.

In conclusion, I would like to call your attention to a letter I received yesterday from Mr. Early, secretary to the President, in which he quotes the President as saying:

THE WHITE HOUSE,
Washington, April 25, 1940.

MRS. MARY NORTON,
House of Representatives, Washington, D. C.

DEAR MRS. NORTON: It appears that the following statement made by the President in a letter which he wrote recently to a friend very accurately presents his position in the matter of the Barden amendments and the existing Wage and Hour Act. In this letter, the President said:

"The Wage and Hour Act is in an evolutionary stage where we are learning by practical experience in the field as to whether and how it should be amended. It is too early to form definite conclu-

sions except to note that on the whole the principle and objective are excellent and have done much to stabilize wages and hours and to bring wages up for the lowest-paid workers.

"It is being administered with discretion and no substantial groups of employers have been damaged.

"Farm labor is not affected by the act. In view of all the circumstances I think it would be a great mistake to adopt the Barden amendments. By another year we shall know a great deal more about the subject."

I give you the above-quoted statement by the President as a matter of information. You are at liberty to use it on the floor of the House of Representatives or to release it in the form of an announcement to the press, or both.

Very sincerely yours,

STEPHEN EARLY,
Secretary to the President.

I have probably taken up much more time than I should, but I do want the Members to know that the Labor Committee has tried in every way to meet the valid objections of people presenting their cause to us. We have done all that we can to assist them except to adopt amendments that we felt would destroy the effect of the act. That we shall positively and definitely refuse to do. [Applause.]

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. JOHNS. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. Mr. Chairman, I yield myself 5 additional minutes.

I will be glad to yield to the gentleman from Wisconsin.

Mr. JOHNS. I am very much interested in just the interpretation that your committee puts on this language in section 1 under the subject of dairy products. The language is "the making of dairy products." Do I understand that that limits that just to the production of milk and putting it in the cans, or does that extend to the delivery of it to delivery stations?

Mrs. NORTON. I believe that it might in some cases extend to the delivery of it to delivery stations.

Mr. JOHNS. Does it include the employees who might be at the receiving station to receive this milk and to transport it?

Mrs. NORTON. No; they are considered to be industrial workers once it reaches the point for which it is destined.

Mr. JOHNS. Does it include the truckmen who happen to be delivering this from the farm to the station?

Mrs. NORTON. It is my understanding that it does.

Mr. KEEFE. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. I will be glad to yield.

Mr. KEEFE. In this subsection 1, to which the gentleman from Wisconsin [Mr. JOHNS] has referred, you except the making of dairy products, except ice-cream mix, ice cream, malted milk, and processed cheese. Do I understand it is the intent of the committee to exclude, in those exemptions, those large plants which are engaged in the business of making condensed milk or powdered milk?

Mrs. NORTON. Yes; if they are what we call "on the farm" or "adjacent to the farm."

Mr. KEEFE. Well, I am speaking of the plant to which the farmers haul their milk.

Mrs. NORTON. I think the gentleman will probably get some time of his own, and I cannot conscientiously take any more of that allotted to my side as it has all been promised. I would be glad if the gentleman would take that up later.

Mr. KEEFE. I am favorably impressed with this bill. I am simply asking that for information, if I can get the information. I do not get it from the report. I would like to be sure just how far that exemption is presumed to extend.

Mr. RAMSPECK. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. I will be glad to yield to the gentleman from Georgia.

Mr. RAMSPECK. As I understand it, such a plant as that could not be exempted.

Mr. KEEFE. Where is there anything in the law that justifies that interpretation?

Mr. RAMSPECK. Because that is a plant that has no relationship to a farm. We are talking as I understand it of a plant that makes powdered milk or condensed milk off of the farm.

Mrs. NORTON. Mr. Chairman, under permission to extend my remarks in the RECORD, I include herewith a letter from Mr. Stephen Early, secretary to the President of the United States, concerning amendments to the Wage and Hour Act; also a letter from Mr. Henry Wallace, Secretary of Agriculture; also a letter from Miss Mary Dublin, general secretary to the National Consumers League; and one from Mr. Walter White, secretary to the National Association for the Advancement of Colored People.

THE WHITE HOUSE, *April 25, 1940.*

Hon. MARY T. NORTON,
House of Representatives, Washington, D. C.

DEAR MRS. NORTON: It appears that the following statement made by the President in a letter which he wrote recently to a friend very accurately presents his position in the matter of the Barden amendments and the existing Wage and Hour Act. In this letter the President states:

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"It is being administered with discretion and no substantial groups of employers have been damaged.

"Farm labor is not affected by the act. In view of all the circumstances, I think it would be a great mistake to adopt the Barden amendments. By another year we shall know a great deal more about the subject."

Sincerely yours,

STEPHEN EARLY,
Secretary to the President.

DEPARTMENT OF AGRICULTURE,
Washington, April 24, 1940.

Hon. MARY T. NORTON,
House of Representatives.

DEAR MRS. NORTON: During our conversation this morning you asked whether this Department had received any complaints from farmers, or groups of farmers, against the operation of the wage-hour law, as modified.

A review of our files discloses a limited number of letters on the general subject, but these are nearly all in the nature of inquiries. Uncertainties as to the method and extent of application naturally arise in the minds of persons concerned with the inauguration of any new program, but, to the best of my knowledge, those persons engaged in agriculture who have written to me with possible objections in mind on this issue have been satisfied upon being furnished proper explanation of the intent and expected effects of the law. I am unable to recall more than a few isolated instances of direct complaint, and certainly I can say positively that protests from farmers have been so negligible as to be of no practical significance in the present controversy.

We have had from some farmers indications of their hearty approval of the efforts of this administration to stabilize labor's income and purchasing power. In my observation, the net reaction of true agriculture throughout the country has been one of sympathetic understanding and cooperation.

In connection with the present controversy you might be interested in the following statement I made in discussing the Wage and Hour Act over station WRC Tuesday, April 22: "If every factory using farm products in any way were exempted, nearly half of all factory workers would be taken out from under the Wage and Hour Act, and farmers would lose, rather than gain, if wages were cut in those industries."

Sincerely yours,

H. A. WALLACE, *Secretary.*

NATIONAL CONSUMERS LEAGUE,
New York, N. Y., April 24, 1940.

DEAR REPRESENTATIVE NORTON: The undersigned 750 men and women, well known in public life, are convinced that passage of the Barden bill to amend the Fair Labor Standards Act would emasculate a law which has rescued hundreds of thousands of defenseless wage earners from hunger and want.

The act would be a mere sham were it to be amended to apply only to those workers who already receive more than the wage rates prescribed by the act. Yet that is what the Barden bill proposes to do in exempting over 1,000,000 workers most in need of its coverage. These men and women, in the lowest paid industries in the country, can in no sense be called agricultural workers. It was to protect just such employees as these that the act was passed, and there is no reason in having the law unless it applies to those most in need.

We believe the Barden bill would seriously injure the farmer. By returning over a million workers to starvation wage levels, the farmer would be deprived of an essential market for his products.

In subjecting them to unfair competition, the measure is equally injurious to the interest of all employers who today maintain fair

standards. Further, it would discriminate against many employers engaged in businesses similar to those the bill exempts. For example, canning establishments engaged exclusively in canning fresh fruits and vegetables have a complete wage exemption, but canneries which can fresh fruits and vegetables and also can "dry lines," such as pork and beans and soup, receive no wage exemptions.

The Barden bill runs counter to consumer interest. In the food-processing industries even a 25-percent rise in wages above the present level set by the act, would not add 2 cents on the dollar in costs to the consumer. Fair wages will not add to food costs. On the other hand, unfair wages cast immense burdens upon the community. In the words of Supreme Court Justice Hughes, "What these workers lose in wages the taxpayers are called upon to pay. The bare cost of living must be met. * * * The community is not bound to provide what is in effect a subsidy for unconscionable employers. The community may direct its law-making power to correct the abuse which springs from their selfish disregard of the public interest."

In the interest of health, decency, and fair play, we urge you to vote against the Barden bill. Give the Fair Labor Standards Act a chance to prove itself that hundreds of thousands of pitifully underpaid workers may have an opportunity to earn at least the meager living the act assures.

Respectfully yours.

Mary Dublin, general secretary; Dr. Harold Aaron, New York City; Etheldred Abbot, Illinois; Charlotte E. Abbott, Nebraska; Mrs. Paul Abelson, New York City; George A. Ackerly, Washington, D. C.; M. W. Ackeson, Jr., Pennsylvania; Adeline E. Ackley, Connecticut; Dr. Thomas Addis, California; Mary V. Alexander, New York; Elizabeth C. Alling, Illinois; Mrs. Frederick S. Allis, Massachusetts; Mrs. Mary P. Ames, New Jersey; Mrs. G. E. Andrus, Colorado; Robert C. Angell, Michigan; J. B. Anthony, New York; Mrs. M. S. Armstrong, Wisconsin; Sinclair W. Armstrong, Rhode Island; Mary Arnold, New York City; Jacob B. Aronoff, New York City; Joseph Aronstam, New York City; Louise Autz, New York City; Rabbi Michael Alper, New York City; Helen S. W. Athey, Maryland; Jessie M. Austin, Illinois; Ruth Baker, New York City; Roger Baldwin, New York City; Alexander Baltzly, New York City; Frances Barnes, New York City; Fred Asa Barnes, New York; Mrs. Richard R. Barrett, Virginia; Oskar Barshak, New York City; Harriet M. Bartlett, Massachusetts; Anna Baumgarten, New York City; Mabel Baumgarten, New York City; Mrs. John P. Beach, California; Louise L. Beachboard, Pennsylvania; Elfie R. Beale, California; Emma B. Beard, New York; Minna D. Behr, New York; L. Ames Beigen, New York City; Alice E. Belcher, Wisconsin; Harriet J. Bender, Ohio; Fanny E. Benjamin, Missouri; Arthur F. Bentley, Indiana; Sidney J. Berger, New York City; Viola W. Bernard, New York City; Frederick Bernheim, North Carolina; Bernice Bernstein, New York City; Alfred Bettman, Ohio; Anthony Billini, New York City; Alfred M. Bingham, New York City; William J. Blanneman, New Jersey; Anne Ames Bliss, New York; Mary C. Bliss, Massachusetts; Anita Block, New York City; S. John Block, New York City; G. Blood, Pennsylvania; Margaret Blossom, New York City; R. E. Blount, Illinois; Ida Blucher, Michigan; Hyman J. Blumstein, Connecticut; Franz Boas, New York City; Marion P. Bolles, New York City; Irene K. Bondy, New York; Mrs. Stephen Bonsal, Washington, D. C.; Alexina G. Booth, Kentucky; Gratia Booth, Connecticut; Elizabeth G. Bowerman, New York; Mrs. W. Russell Bowie, New York City; LeRoy E. Bowman, New York City; Dr. Leopold Brahdy, New York City; Anne Cary Bradley, Maine; Elizabeth Brandeis, Wisconsin; Mrs. Jules Brenchard, New York City; Prof. Paul F. Brissenden, New York City; Prof. Emily C. Brown, New York; James L. Brown, New York; Mabel P. Brown, Connecticut; Thomas K. Brown, Jr., Pennsylvania; Eleanor O. Brownell, Pennsylvania; Mrs. W. Buckner, New York City; Richard Bunch, Indiana; Prof. Arthur R. Burns, New York City; Gertrude E. Bussey, Maryland; J. R. Butler, Tennessee; Harold S. Buttenheim, New Jersey; Evelyn Gray Cameron, Massachusetts; Kingsland Camp, New York City; Annie Campbell, Ohio; Mrs. Henry White Cannon, New York City; Mary G. Cannon, Connecticut; Mrs. A. Morris Carey, Maryland; James B. Carey, New York City; Mrs. Winslow Carlton, New York City; Mary Casamajor, New York; Warren Catlin, Maine; Central Conference of American Rabbis, Maryland; Herbert M. Chalmas, New York; Mrs. Allan Knight Chalmers, New York City; Russell Chew, Pennsylvania; Ruth L. S. Child, Massachusetts; Gerard Chiora, New Jersey; Olive E. Clapper, Maryland; Mrs. Charles E. Cliff, Pennsylvania; Peggy Cobb, New York City; O. P. Cochran, Connecticut; Hetty S. Cohellen, Massachusetts; Frederick Cohen, Massachusetts; Naomi S. Cohn, Virginia; John Coleman, Pennsylvania; Mabel A. Colter, Minnesota; Daniel H. Colton, New York City; Olive A. Colton, Ohio; Laetitia M. Conard, Iowa; Morton S. Conrad, New York; Pauline K. Connell, New Jersey; Consumers League of Cincinnati, Ohio; Leonore Cook, Massachusetts; Morris Llewellyn Cooke, Pennsylvania; Mrs. Francis R. Cope, Jr., Pennsylvania; Mrs. Walter Cope, Pennsylvania; Grace M. Cortis, New York City; Mrs. Edward P. Costigan, Colorado; Maud W. Costigan, California; Cornelia C. Coulter, Massachusetts; Jerome Count, New York City; Agnes Cowing, New York City; Grace L. Coyle, Ohio; Alberta J. Crombie, Connecticut; Weldon L. Crosman, Massachusetts; Elizabeth Crother, Massachusetts; Harriet B. Crump, New York City; Dorothy T. Cummings, New York; Edmund Ely Curtis, Massachusetts; Muriel S. Curtis, Massachusetts; Mrs. W. E. Cushing, Massachusetts; Leif Dahl, New York City; Louise Dahl-Wolfe, New York City; Rev. E. LeRoy Dakin, Wisconsin; Irving Davidson, New York; Betsey B. Davis, New York; Helen E. Davis, Washington, D. C.; Helen H. Davis, Massachusetts; Horace A. Davis, New York City; Paul J. Davis, Pennsylvania; Margaret W. Davis, California; Florence W. Davol, Massachusetts; Lillian A. Dean, Iowa; C. C. Delafield, Jr., New York City; Eleanor Deming, New York; A. DeNeysin, New York City; N. E. Derecktor, New York; Mrs. N. E. Derecktor, New York; Edward T. Devine, New York City; Mary W. Dewson, Maine; Mrs. Robert H. Dibble, Pennsylvania; Harriet A. Dillingham, California; Esther M. Dixon, California; Effie E. Doan, Illinois; Mrs. Richard E. Dodge, Connecticut; Mrs. Henry H. Donaldson, Pennsylvania; Laura R. Donnell, New York City; Prof. Dorothy W. Douglas, Massachusetts; Ruth N. Dow, Massachusetts; Ella J. Draper, Massachusetts; Mary E. Dreir, New York City; Amos Dublin, New York City; Mrs. S. Naudan Duer, Pennsylvania; Cressida C. Durham, Illinois; Commissioner Martin P. Durkin, Illinois; Catharine H. Dwight, Massachusetts; Lucia K. Dwight, New York; Mrs. C. A. Duvall, New York; Lucy P. Eastman, New York City; L. C. Edson, New York City; Mrs. Tracy Edson, New York City; Bertha J. Ehrich, Indiana; Mrs. Walter L. Ehrich, New York City; Dorothy Meigs Eidlitz, New York City; C. Emanuel Ekstrom, Rhode Island; Deborah Elton, Connecticut; Frances Elton, New York; Augusta C. Ely, Massachusetts; Mrs. Annie H. Emerson, Massachusetts; Helen T. Emerson, New York; Mrs. Kendall Emerson, New York; Morris Engel, New York City; Henry Epstein, New York City; Rev. Sebastian Erbacher, Michigan; Alice C. Evans, Washington, D. C.; Mrs. Charles R. Faben, Ohio; Mrs. Richard V. Fabian, New York; Mrs. Powell Fauntleroy, Washington, D. C.; Mrs. E. B. Featherstone, Ohio; Benjamin Fee, New York City; Mrs. Charles N. Felton, California; Fannie C. Ferry, Massachusetts; Mrs. W. D. C. Field, New York; Mrs. J. W. Fillman, Pennsylvania; Julius Fischer, New York; Eunice M. Fisher, Wisconsin; Zipporah L. Fleisher, New York City; Lillian P. Fletcher, New York City; Elizabeth L. Folbert, New Jersey; Robert C. Folconer, New Jersey; Dorothy Fontaine, New York City; Elizabeth G. Fox, Connecticut; Mary H. Fox, New York City; Mrs. E. Frankel, New Jersey; Aaron Friedell, Minnesota; Natalie C. Friedman, Illinois; A. Anton Friedrich, New York; Harlan M. Frost, Ohio; Alice P. Gannett, Ohio; Mrs. Wm. W. Gannett, Massachusetts; Helene P. Gans, New York City; Minnie May Gauther, Wisconsin; Joseph W. Gavitt, New Jersey; Margaret J. Gemmill, Pennsylvania; Anna M. Genung, New Jersey; Augustine N. Girardot, Colorado; Susan Glider, New York City; Harriet Goddard, New Jersey; R. Goldberg, New York; Victor Goldberg, New York; S. Goldhagen, New York; Pauline Goldmark, New York; Minnie Goodnow, Massachusetts; Jean Goldstein, Connecticut; Dr. A. L. Goldwater, New York City; Mrs. A. L. Goldwater, New York City; Mrs. S. S. Goldwater, New York City; Sidney S. Grant, Massachusetts; Adele Greene, Washington, D. C.; Irma H. Gross, Michigan; Mrs. Edward A. Grossman, New York City; Ralph H. Gundlach, Washington; Mathilde C. Hader, Virginia; Dorothy Quincy Hale, Massachusetts; Ellen Hale, Massachusetts; Adele P. Hall, New York; John Hughes Hall, Massachusetts; Marie Hall, New York; Mrs. Mary Hobson Hall, Virginia; Priscilla Perry Hall, Massachusetts; Mrs. F. Haller, Washington, D. C.; Emma F. Halloway, New York; Annie A. Halleck, Kentucky; Dr. Alice Hamilton, Connecticut; Esther Fiske Hammond, California; Mrs. W. A. Harbison, New York; Commissioner W. Rhett Harley, South Carolina; Arthur H. Harlow, Jr., New York City; A. Harris, New York; Mrs. Carter H. Harrison, Virginia; Marion J. Harron, Washington, D. C.; Lauribel Hart, New York; Mrs. W. G. Hawley, New York; Rhoda A. Hayes, New York; A. D. Hays, New York City; Marcia Health, Wisconsin; Annie Hegneman, New York City; Yandell Henderson, Connecticut; Rebekah C. Henshaw, Rhode Island; Henrietta Hepburn, West Virginia; Marjorie Herford, Washington; Dorothea C. Hess, New York; Regina L. Hess, Illinois; Emilia Hesse, Michigan; Prof. Amy Hewes, Massachusetts; Eleanor L. Hickin, Ohio; Sarah C. Hill, New York City; Clifford W. Hilliker, New York; M. L. Hills, California; Harrison S. Hires; Pennsylvania; Jessie Lindsay Hober, Wisconsin; Mrs. H. L. Hodge, Pennsylvania; Florence J. Hoe, Wisconsin; William E. Hoeflin, Missouri; Irving Hoffzmier, New York; Mary Shirley Holmes, Ohio; Anna B. Holt, New York City; Mrs. Edward C. Hood, New York; Gertrude F. Hooper,

Massachusetts; Eloise M. Holton, Massachusetts; A. D. Hoover, New York City; Miriam Horner, New York City; Caroline S. Hosley, Massachusetts; Mary Houghton, Wisconsin; W. M. Houghton, Massachusetts; Dr. John R. Howard, Jr., New Jersey; Julia S. Huggins, California; Pauline Hummel, Ohio; Vida J. Hurst, Pennsylvania; Laetitia P. Huston, Pennsylvania; Mary Perot Huston, Pennsylvania; Mrs. Edmund N. Huyck, New York; Mrs. A. M. Hyatt, New York City; Arthur M. Hyde, Kentucky; Samuel M. Ilsley, California; Rev. Wm. Lloyd Imes, New York City; George Ingersoll, Minnesota; International Broom & Whisk Makers Union, Illinois; Augusta Irving, New York City; Georgine Iselin, New York City; Rabbi Edward L. Israel, Maryland; David Jacobson, New York; Martha G. Jacobson, New York; Joseph S. Jacoby, New York City; Mrs. C. G. James, Michigan; Mrs. Ada L. James, Wisconsin; Mrs. Irene S. James, New Jersey; A. Natalie Jewett, Massachusetts; Mrs. A. A. Johnson, New York; Constance W. Johnson, New York; Rev. F. Ernest Johnson, New York City; Wendell F. Johnson, Ohio; Hattie Jones, New York City; A. L. Joslin, Massachusetts; Journeymen Tailors Union, New Jersey; Dorothy Kahn, New York City; Sol D. Kapelsohn, New Jersey; David Kass; Florence H. Kauffmann, New Jersey; Mrs. T. W. Keating, Texas; David Keeble, California; Clara N. Kellogg, California; Helen J. Kellogg, California; Paul Kellogg, New York City; Clarence W. Kemper, Colorado; Priscilla Kennaday, New York City; Edith Wynne Kennedy, New York; M. T. Kennedy, Illinois; Rockwell Kent, New York; Clark Kerry, California; Eugenia Ketterlinus, Pennsylvania; Mrs. Alice F. Kiernan, Pennsylvania; Xenia Kilbrick, New York City; Mrs. Edith Shatto King, New York City; Freda Kirchwey, New York City; Dorothy H. Knapp, New York, Dr. S. Adolphus Knopf, New York City; S. Kohn, Connecticut; Isabella A. Kolbe, Ohio; Joseph K. Kotter, New York; L. S. Kramer, New York City; Sadie S. Kulakofsky, Nebraska; Mary B. Ladd, New York City; C. P. Lahman, Michigan; Corliss Lamont, New York City; Margaret F. Lamont, New York City; Rev. Leon Rosser Land, New York; Ruth Lander, Illinois; Dr. Grace W. Landrum, Virginia; Antoinette C. Lanfare, Connecticut; Dr. Linda B. Lange, Pennsylvania; Bruno Lasker, New York; Dr. John Howland Lathrop, New York; Florence M. LeClear, Wisconsin; Amy Lee, New York City; Helen A. Lee, Illinois; Murray G. Lee, New York City; W. M. Leeds, Pennsylvania; Mr. William T. Leggett, Connecticut; Mrs. Wm. T. Leggett, Connecticut; Mary W. Lemmon, Alabama; Sally Lennick, New York; Shirley Leonard, New York City; Jack Lerner, New Jersey; Ralph T. Levin, New York City; M. N. Levine, Minnesota; J. Maxwell Levinson, New York City; Fay Lewis, Illinois; Mary H. Lewis, Ohio; Irene Lewisohn, New York City; Ruth Lichtenstein, New York; Mrs. Wm. Liddell, New York; Mrs. Robert A. Lightburn, New York; Dr. Samuel McCune Lindsay, New York City; Mrs. Mary H. Loines, New York; Roger S. Loomis, New York City; Paula Letterman, New York City; Lizzie C. Loveder, Nebraska; Lucy Lowell, Massachusetts; Elsie Lowenberg, New York; Mrs. H. Spencer Lucas, Pennsylvania; May Ely Lyman, New York City; Charles J. MacDonald, New York City; Prof. Lois MacDonald, New York City; Charlotte G. MacDowell, New York; Martha Mackay, Pennsylvania; Elizabeth S. Magee, Ohio; Elizabeth K. Maley, Massachusetts; Blanche Mahler, New York; Theodore Maimud, New York City; Mary S. Malone, Pennsylvania; G. P. Manchester, California; Mrs. Morris Manges, New York City; Mrs. C. Marnitz, Wisconsin; Benjamin Marsh, Washington, D. C.; Mulford Martin, New York City; Lucy R. Mason, Georgia; Margaret C. Maule, Pennsylvania; Clifford T. McAvoy, New York City; Mary N. McCord, New York City; O. McCord, Jr., New York City; Mrs. Winifred M. McCosh, Delaware; Frank McCulloch, Illinois; Frank D. McCulloch, Illinois; Mrs. J. S. McDowell, New York; Mary S. McDowell, New York; Elizabeth A. McFadden, New York City; Louise Leonard McLaren, New York City; Mrs. J. M. Mecklin, New Hampshire; Mrs. John Meigs, Pennsylvania; Dina Melicor, New York City; Evelyn Mellen, New York City; William Menke, New York City; Lewis Merrill, New York City; Cornelia M. Metz, New York; Dr. Alfred Meyer, New York City; Elizabeth A. Might, Massachusetts; Mrs. Maude B. Miller, New York City; Prof. H. A. Millis, Illinois; Rev. Joseph N. Moody, New York City; Jane T. Mooney, New York; Florence Rees Moore, Oregon; A. W. Morganfield, California; Lois I. Morganfield, California; Charles Moos, Pennsylvania; Stelle W. Moos, Pennsylvania; Mary Agnes Morel, New York City; Mary Morris, New York City; Grace L. Morrison, New Jersey; Ruth Morrison, Colorado; G. J. Morse, Massachusetts; Josiah Morse, South Carolina; Dr. Bessie L. Moses, Maryland; Minnie L. Moses, New York; Amelia B. Moorfield, New Jersey; Ethel P. Moore, Massachusetts; Leonard S. Morgan, New York City; Nanette Morrell, New York City; Mrs. Charles G. Morris, Connecticut; Johanna K. Mosenthal, New York City; W. E. Mosher, New York; Mrs. C. R. Mueller, Michigan; Greta E. Mueller, Washington; Edith Noyes Muma, New York; Mrs. W. L. Murdoch, Alabama; Henrietta Murphy, New York; Virginia Mussey, New York City; Mrs. Max W. Myer, Missouri; Jay B. Nash, New York City; Raymond Nelson, Virginia; Janet E. Newton, Wisconsin; Nina Nicas, New York City; M. C. Nice, Pennsylvania; Mrs. Louise Nichols, Pennsylvania; William I. Nichols, New York City; Alice B. Nicols, Minnesota; L. M. Novogrod, New York City; Joseph North, New York City; Leah Okune, New York; Charles E. Ozanne, Ohio; A. Packer, New York; Aida Paderefsky, New York City; Mrs. R. T. Paine, II, Massachusetts; Haiganooth Papazian, New York City; Gladys M. Park, New York City; Mary Jane Park, California; Mrs. Edgerton Parsons, New York City; Leo M. Parsons, New York City; David Paulson, Jr., New York; Philip A. Paulson, New York City; Edward Payazion, New York City; Endicott Peabody, Massachusetts; Harriet R. Pease, Massachusetts; Lillie M. Peck, New York City; Harriet S. Peirce, Massachusetts; L. C. Perera, Jr., New York City; Mrs. L. C. Perera, Jr., New York City; Mrs. Herbert F. Perkins, Illinois; H. Pestry, New York City; E. C. Peters, Georgia; Tallahatchie Pettingill, California; Laura A. Pierson, New Jersey; Rose Pletman, New York City; Esther S. Podoloff, Connecticut; J. Podoloff, Connecticut; Edna Pogrotsky, Connecticut; Mrs. Francis D. Pollak, New York City; Eric Pomerance, New York City; Mrs. Ralph L. Pope, Massachusetts; Mrs. Carroll J. Post, New York City; Jacob S. Potofsky, New York City; Mrs. David Potter, California; Dr. Herman F. Prange, New York City; Miriam Sutro Price, New York City; Reverlea Price, New York City; Edward Pringle, Illinois; Kate E. Putnam, New York; Mrs. Wilmot Quinby, Pennsylvania; Mrs. Harold R. Rafton, Massachusetts; Armando Raimirez, New York City; Anna Randolph, Pennsylvania; John E. Raney, Ohio; Beaulah Amidon Ratliff, New York City; Carl Raushenbush, New York; Elizabeth E. Reed, New York City; Rebecca Reid, South Carolina; Lillian E. Reiner, New York; A. F. Reinhardt, New York City; Elizabeth C. Reinhardt, Pennsylvania; E. B. Reuter, Iowa; Bertha Richardson, New York; David S. Richie, New Jersey; Reba E. Richter, New York City; Sadie Rinch, New Jersey; Kingsley Roberts, M. D., New York City; Mrs. A. H. Robinson, New Jersey; Benjamin M. Robinson, New York City; Lydia G. Robinson, Illinois; Mildred S. Robinson, Illinois; Dr. S. C. Robinson, Illinois; Martha Robison, South Carolina; Anne M. Roby, Michigan; Josephine Roche, Colorado; Wm. E. Rodriguez, Illinois; Viola C. Rolf, Ohio; C. C. Roosa, New York; Mrs. Maud H. Rosenau, North Carolina; Arthur Rosenberg, New York City; Mrs. S. J. Rosensohn, New York City; Samuel Rosenveise, New York; William Ross, New York City; Mrs. Louis J. Roth, Ohio; Mary Swain Routzahn, New York City; Victoria Rowe, New York City; Mrs. Justus Ruperti, Florida; Harriet Ruppert, New York; Mrs. J. M. Russell, Massachusetts; H. G. Sahler, New York City; T. H. P. Sailer, New Jersey; Mrs Millicent Sapolsky, New York; George Sarton, Massachusetts; Mrs. F. A. Saunders, Massachusetts; H. W. Saunders, Iowa; Mary Hall Sayer, New York City; John N. Sayre, New York City; Mildred Clark Scars, New Hampshire; Margaret Scattergood, Pennsylvania; W. S. Schlauch, New Jersey; Mrs. W. S. Schlauch, New Jersey; Judith Schoellkopf, New York; J. L. Schoen, Missouri; Hyman Schroeder, New York City; Adelaide Schulkind, New York City; David Schulman, New York City; Pearl Schwartz, New York City; Mrs. Genevieve B. Scott, Michigan; Mrs. George T. Scott, New Jersey; Vida D. Scudder, Massachusetts; Frances L. Seibert, Pennsylvania; Marie A. Serramoglia, New York; Mrs. W. E. Shafer, Nebraska; Louis Sheivington, New York City; Henry W. Shelton, California; Bernard Sherk, New York; Alice H. Sheperd, New York; Rea Shiff, Connecticut; Rose Keane Shumlin, New York City; James E. Sidel, New Jersey; Frances Sikelianos, New York City; Mildred R. Silver, New Jersey; Ida Silverman, New York; Helena N. Simmons, New Jersey; Mary N. Simmons, New Jersey; Elsie H. Simonds, Massachusetts; Margaret S. Sloss, New York City; Alice H. Small, Maryland; John H. Smaltz, Pennsylvania; Alexander Smith, New York City; Bruce Lannes Smith, New York City; Frederica Smith, New York; Margaret H. Smith, Indiana; Myrtle L. Smith, California; Nellie M. Smith, New York City; W. Stuart Smith, California; Winifred Smith, New York; Barbara Snyder, New York City; Social Service Employee's Union, New York; Morris Soldester, New York City; Isobel Walker Soule, New York City; George Soule, New York City; Southern Tenant Farm Union, Tennessee; Margaret Spahr, New York City; R. L. Spaide, Pennsylvania; Mary Judson Spencer, New York City; Mrs. Lama L. Sprague, Massachusetts; Anne Stanley, California; State, County and Municipal Workers, New York City; Mrs. J. Rich Steers, New York City; Emanuel Stein, New York; Dr. Sam I. Stein, Illinois; Eliza Stevens, Oregon; Mrs. Horace N. Stevens, New Jersey; Louise Stitt, Washington, D. C.; St. James Presbyterian Church-Social Service Committee, New York City; George Maychin Stockdale, New York; Helen Phelps Stokes, Vermont; Harry Stone, New York City; Olive M.

Stone, Virginia; Aubrey N. Straus, Virginia; Cornelia Straus, New Jersey; Emelia T. Strauss, New York City; Irvin Strauss, New York City; B. Strivelman, New York City; Jeanette Studley, Connecticut; Sidney Sulkin, New York City; Mrs. T. Russell Sullivan, Massachusetts; Ruth Suydacker, Illinois; Joel Swensen, New York City; Mrs. A. L. Swift, Connecticut; Mrs. Ada B. Taft, Illinois; Ellen B. Talbot, Massachusetts; Marion Talbot, Illinois; Mary Montgomery Talbot, New York; Rev. Paul Tanner, Wisconsin; Mollie Tarter, New York; C. Fayette Taylor, Massachusetts; Helena Taylor, Illinois; Jeanette S. Taylor, New York; Lena D. Taylor, Illinois; Louis Tekulsky, New York City; Caroline B. Thayer, Massachusetts; Sherman R. Thayer, Massachusetts; Anne M. Thomas, Massachusetts; Louise M. Thomas, Pennsylvania; Robert F. Thomas, M. D., Tennessee; Juliet Thompson, New York City; Mrs. Leroy S. Thompson, Rhode Island; Anne L. Thorp, Massachusetts; John H. Thorpe, Michigan; Margaret Thum, California; Elizabeth Todd, New York City; Norman L. Torrey, New York City; Isabel Totten, New York City; John G. Touzeau, California; Rebecca D. Townsend, Connecticut; Blaine E. Treadway, Tennessee; Constina S. Trees, Pennsylvania; K. L. Trevett, Oregon; C. Allen True, Texas; Annie E. Trumbull, Connecticut; Grace Tyndall, New York; Mrs. Carl J. Ulmann, New York City; United Cannery, Agricultural, Packing and Allied Workers of America, New York City; Charlotte A. Van Cortlandt, Connecticut; Eleanor S. Van Etten, New York City; Dr. P. W. Van Metre, Iowa; Undine Van Pelt, Washington, D. C.; Ellen M. Van Slyke, New York; Bonnie Vene, New York; Matilda Wakshul, New York; Sylvia Wallach, New York; Marion E. C. Walls, New Jersey; Phoebe Walkind, New York City; Mrs. Douglas Waples, Illinois; Mariana DeC. Ward, Massachusetts; Mrs. W. Lee Ward, New York City; Colston Warne, Massachusetts; E. Brooke Weaver, California; Mrs. H. St. John Webb, New Jersey; A. G. Weidler, Kentucky; George E. Weir, New York; Roberta Wellford, Virginia; Annie Wenneis, New York City; Henry N. Wenning, New York City; D. H. West, Illinois; Ida M. West, New York; Mrs. S. Burns Weston, Pennsylvania; Jane H. Wheeler, Vermont; Harriet D. White, New York; Millie V. D. White, New York; John B. Whitelaw, New York; Mrs. John B. Whiteman, Massachusetts; Oliver M. Wiard, Connecticut; Elsie G. Wickenden, New York; Rev. C. Lawson Willard, Jr., New York; Dr. M. A. Willcox, Massachusetts; Ada L. Williams, New York; Helen Williams, Iowa; Mrs. Janice L. Williams, Connecticut; Hyman Willinger, M. D., New York City; Charles Wilson, Pennsylvania; Mrs. Luke I. Wilson, Maryland; Helen R. Winans, New York; Florence E. Winchell, New York; Frederick Winkhaus, New York City; Richard S. Winslow, Massachusetts; Frances M. Wintringham, New York City; Elizabeth Wisner, Louisiana; Benjamin Witken, Connecticut; Edwin E. Witte, Wisconsin; Howard P. Woertendyke, Kansas; Benedict Wolf, New York City; Mrs. J. R. Wolff, New York City; Mildred H. Wolfson, New York City; Cyrus F. Wood, Pennsylvania; Mrs. George B. Wood, Pennsylvania; Helen Wood, Pennsylvania; Mrs. Chase Going Woodhouse, Connecticut; G. H. Woodhull, Kansas; William Woods, New York; Harvey A. Wooster, Ohio; Edward N. Wright, Pennsylvania; Elliott F. Wright, New York City; Geraldine Kemp Wright, New York City; Edith Franklin Wyatt, Illinois; Y. W. C. A. Business and Professional Girls League, Ohio; Y. W. C. A. Social and Economic Legislation Committee, Ohio; G. D. Yeager, Pennsylvania; Anna Young, New York; Anne S. Young, California; Josephine Zeitlin, California; Gertrude Folks Zimland, New York City; Yetta Zinner, New York City; Marion O. Zucker, New York City; Dr. Leon Zussman, New York City; Mrs. R. A. Zwemer, New Jersey.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
New York, April 24, 1940.

MRS. MARY T. NORTON,
Chairman, Committee on Labor, House of Representatives, Washington, D. C.

DEAR MRS. NORTON: H. R. 7133 which comes to the floor of the House on Thursday, April 25, is one of the most serious of several recent efforts to destroy laws protecting labor without actually repealing these laws. The Barden amendments propose to exempt from the benefits of better wages or shorter hours or both more than a million and a quarter of the poorest paid American workers, among whom are hundreds of thousands of Negroes. These amendments strike at employees engaged in canning, packing, and otherwise processing agricultural products, at workers in the lumber industry and at transportation relating to these industries. Negroes in large numbers are employed in these fields and in some areas they constitute a majority of the workers who would be affected.

In addition, Negro workers, along with all others, are seriously threatened by section 10 of the bill which would prevent an employee from suing his employer for failure to pay minimum wages at any time more than 6 months after the right had accrued. Since the employee often does not learn of his rights until many months after violation, this is a particularly hurtful provision. If such a restriction were now in effect it would bar the right of station porters (red caps) to sue for wages denied them prior to October 1939.

The exemptions which the bill would create are particularly hurtful to Negro workers. All industrial operations in the preparation and processing of agricultural products from the time they leave the farm until they reach the retail seller would be excluded from the protection of the wage and hour law. Thus, some 68,000 workers engaged in tying, drying, stripping, stemming, crating, and packing of leaf tobacco, of whom a substantial portion are Negroes, would lose the protection which they now have. Similarly cotton ginning, compressing and storing in which a large part of the 130,000 workers are Negroes, would be excluded from the act. Protection in the matter of hours would be withdrawn from the meat-packing industry where between fifteen and twenty thousand Negroes are engaged in slaughtering, dressing, and packing meat. A substantial number of the more than 50,000 Negroes in other affected food industries would lose rights which they now enjoy.

Census figures indicate that there are some 20,000 Negro lumbermen, raftsmen, woodchoppers, and sawyers. These, too, would lose their protection if the Barden amendments should be enacted. In addition, of the 100,000 Negroes in saw and planing mills, those who work in small establishments employing not more than 15 persons would be denied all protection.

In addition the bill would permit exemptions and differentials for the Virgin Islands of the United States. No economic justification for the discrimination against a community in which the working population is almost entirely composed of Negroes has been shown. But experience with other sectional differentials used to cloak racial discrimination, for example, under the N. R. A., has shown how vicious such differentials would be.

In such circumstances a vote in favor of the Barden amendments must be construed as a vote against labor generally and against the Negro in particular, since he would be so great a loser as a result of any such legislation. Negroes are looking to party leaders to use full force of their leadership in opposition to this hurtful legislation.

Respectfully,

WALTER WHITE,
Secretary, N. A. A. C. P.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentlewoman from New Jersey has again expired. The gentlewoman from New Jersey has consumed 25 minutes.

Mr. WELCH. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, yesterday during the consideration, or rather the intended emasculation, of the wage and hour laws this House developed a new leader—a coalition antilabor leader. I refer to the able and forceful gentleman from Georgia [Mr. Cox]. This coalition should be known as Cox's army, whose object is to deprive a million and one-half workers of the protection of a law which requires the payment of a meager 30 cents an hour, $12 a week, and reenslave them to a starvation wage of 5 and 10 cents an hour.

This army should not be confused with Coxey's Army, which came to Washington years ago to plead the cause of the underprivileged. The enrollees in the gentleman from Georgia's army will have much more to answer for than the misguided, but well-intended, enrollees in the one-time Coxey's Army.

My colleagues, this issue cannot be confused by the condemnation of organized labor leaders with the unorganized, underpaid industrial workers who are beneficiaries under the wage and hour law.

Mr. Chairman, I was unalterably opposed to the adoption of the hydro-headed rule, which is almost without precedent in the parliamentary procedure of this body, and permitted these three bills to come before the House of Representatives for action.

Only one of these three measures was ever considered and reported to the House by the Committee on Labor, namely, H. R. 5435, known as the Norton bill. Thorough and complete hearings over an extended period of time were held on H. R. 5435, and the Committee on Labor reported to the House a bill which, in my judgment, is more than commensurate with the facts discovered. But under this rule, either the Ramspeck bill, H. R. 7349, or the Barden bill, H. R. 7133, neither of which has been properly considered, can be offered as substitutes for the Norton bill, which is reported as the result of mature and careful consideration by the committee you have appointed to handle such matters.

The issues in this matter are clear-cut. There is no logical manner by which any Member of the House can avoid them. Either he favors the continuation of a legislative policy already established that there shall be a minimum wage of 30 cents an hour—a meager $12 per week—or he favors the return to the despicable conditions of 5 and 10 cents per hour as they prevailed for hundreds of thousands of workers before the enactment of wage and hour legislation. Either we shall go down in history as a humanitarian legislator or "5-and-10-cent" legislator.

It is difficult to believe that men having the best interests of the most humble of our citizens at heart—the lowest-paid wage earners—would resort to such tactics as to bring before Congress ill-advised legislation in an effort to rob the lowest-paid workers in the United States of the small measure of comfort brought to them through the humanitarian wage and hour law, which grants such a meager minimum wage of 30 cents per hour, simply $12 for a week of 40 hours, or $52 for a full month's work.

Selfish and powerful groups representing packing, tobacco, canning, lumber, and other large and greedy interests would, through the so-called Barden bill, return hundreds of thousands of workers to despair. Using the welfare of the farmers of the United States as a camouflage, some of these groups would emasculate or even repeal the law. They make the farmer their Charlie McCarthy, ignoring completely that all farm labor is specifically excluded from the provisions of the Fair Labor Standards Act. They know that Congress will not emasculate and destroy this law unless through farm pressure. These selfish interests make the claim that if they are required to pay 30 cents per hour minimum wage—which is almost invariably the maximum wage for this labor even under the law—it will be reflected by a reduction in the price paid to the farmer for his products. When, let me ask, did these selfish groups become so solicitous of the farmer?

Mr. Chairman, I was born and lived my early youth on a farm and my sympathies have always been with the farmer. My record of 15 years in this body will show that though I represent a large city—San Francisco—my vote on legislation beneficial to the farmers of the country will compare favorably with Members of Congress representing farm districts.

The selfish profit-seeking groups who are the prime movers of the assault on this humanitarian law never have been the real friend of the farmer and would not give him a penny more for his products if the wage and hour law were never heard of; they are simply using the farmer to accomplish their purpose which is to destroy the law and return to the 5-cent and 10-cent starvation wage. This wrecking crew should not be allowed to confuse the issue by using the farmer as a stalking horse. Congress only has one question to determine. Is 30 cents an hour too much for a woman working in a cannery who, in many cases, has a family to support? Is 30 cents an hour too much for a laborer in a packing plant, whose work only lasts during the harvesting season? Is 30 cents an hour too much to pay workers in the sugar, lumber, tobacco, and other industries represented by this group? What would be the reaction of any Member of this body if conditions were different and he received 30 cents an hour for 40 hours' work and then went home to his wife and family with $12 in his pocket, knowing that the Congress of the United States was considering legislation that would even reduce that meager pittance by more than one-half or two-thirds? Yet many good American men and women, as good as you or I, with families to support, sit down at the end of the week to make up the family budget out of $12. Members of Congress, is it possible that you are thinking seriously of reducing this already inadequate compensation by voting for the Barden bill?

If this bill should become law and the protections of the Fair Labor Standards Act are removed from more than a million and a half low-paid workers, their ability to buy the products of the farm would be practically destroyed and the farmer would be the sufferer. The farmers of this country, who, in the final analysis, receive tremendous benefits from the higher standards of living the law now brings, are not seeking the destruction of the humanitarian wage and hour law either directly or indirectly. There are exceptions, of course; some farm areas having processing plants. But it is evident that those representing these exceptions have raised such a loud clamor that a perspective of the great good of this legislation is lost. These same selfish groups have been "sniping" at the Fair Labor Standards Act on every possible occasion. They attempted to destroy the enforcement of the law by reducing its appropriations for enforcement.

At that time I pointed out that farmers, with rare exception, have common cause with wage earners. The fair-minded farmers, who are in the overwhelming majority, are conscious of the fact that there are about 34,000,000 men and women in nonagricultural employment in the United States. They also know that since 1932 Congress has appropriated in excess of $6,000,000,000 for farm relief in one form or another. Every intelligent farmer is appreciative of the proportionate amount the nearly 34,000,000 nonagricultural workers of this country have contributed to this enormous sum without a murmur. The farmers also realize that the nonagricultural workers and their families are by far the largest group of consumers of products of the farm and that the amount of their products consumed is measured entirely by wage earners' purchasing power.

Mr. Chairman, these few adversaries of the humane wage and hour law have been working overtime, resorting to all kinds of propaganda, to poison the minds of unsuspecting people by stressing its inequalities and so-called ambiguities. Had they the genuine interest of the farmers and wage earners at heart they would lend their intelligence to constructively strengthening the law. But they would rather emasculate or repeal the law and throw the underpaid workers back into the pool of despondency; they have been totally blind to the graver inequalities that actually existed for years prior to the enactment of this law. Before its enactment 45,000 women were engaged in the textile and other light industries in a nearby State. They received $5 and $6 a week, and in many cases worked 9 and 10 hours a day. Textile workers in one of the Southern States received from $2.50 to $7.50 a week. Cases of this kind could be multiplied hundreds and hundreds of times, yet there are still those narrow-visioned or selfish individuals who complain of this law.

It is even difficult as the law now stands to give protection to high-minded American employers of labor who believe in paying a wage scale that will raise the standards of living in this country. That they are again subject to cutthroat competition by violators of the law is a proven fact, as court records will show.

I again invite the attention of the House of Representatives to some of the irrefutable facts that definitely show the urgent need for and the value of the Fair Labor Standards Act—facts some of which I stated when the appropriation bill was under consideration, and which speak more eloquently than I can hope to against the enactment of such ill-advised legislation as the Barden bill.

There were 380,000 people engaged in interstate commerce or in the production of goods for commerce earning less than 25 cents an hour when the Fair Labor Standards Act went into effect on October 24, 1938. That means 380,000 working 40 hours per week for less than $10 a week.

This figure does not include an additional 200,000 industrial home workers, the exploitation of whom is one of the blackest spots in the economic life of America. Only a few weeks ago a group of knitwear manufacturers signed a consent decree with the Wage and Hour Division agreeing to make restitution of wages estimated at $250,000 to 10,000 of these home workers, mostly in rural districts of the East and South.

In the Federal court of Brooklyn, N. Y., a manufacturer pleaded guilty to paying his home workers as low as 4 cents an hour. He was fined $1,500 and ordered to make restitution of $4,500 to these employees. The sums that each of

these poor workers drew in restitution were more than equivalent to all the pitiable wages paid them for the full first year of the operation of the Fair Labor Standards Act.

Following an investigation by the Wage and Hour Division, a Chicago hairpin manufacturing company agreed to pay $110,000 in restitution to more than 300 families whose children had worked long hours mounting hairpins on cards when they should have been at play.

In Georgia a county relief investigator reported to the Wage and Hour Division that there was an employer, a runaway shop from New York, who paid his 100 workers such low wages—from $4 to $8 per week—that every family who was represented on its pay roll was on county relief.

In Baltimore a few weeks ago a Federal judge had before him two brothers who manufacture men's clothes. They had been indicted on charges of paying 175 women coat makers 10 cents an hour and less. There was one woman, a widow with three small children to support, who lived in a basement, who worked long hours, and who still could not earn enough to keep her family from the verge of starvation. These men not only failed to pay them the minimum wage set up in the wage and hour law but pleaded guilty to the charge of falsifying their records in an effort to make it appear that the women were earning 25 cents an hour.

A pecan shelling company in San Antonio, Tex., applied to the Wage and Hour Division to employ between 2,500 and 3,000 learners at a rate of 15 cents an hour. In the hearings held on this application it was shown that this company, which made a net profit of $500,000 in 2 years, paid wages as low as $3 and $4 per week, which was supplemented by the employment of 10-, 12-, and 15-year-old children.

Mr. Chairman, it has been admitted that there are inequalities in this law which should be amended by constructive and not destructive amendments; that this law is approved and popular with a vast majority of people in this country was indicated in a Gallup poll taken January 3, 1939—71 percent in favor of the law.

In conclusion I will state there has been a change in the administration of the wage and hour law, and the new Administrator, Colonel Fleming, is being highly commended by every fair-minded employer of labor for the efficient and impartial manner in which he is conducting the office. Congress should encourage rather than hamper the Administrator in his efforts to further demonstrate what this humanitarian law means to the underprivileged of this country. In due time, no doubt, he will submit to Congress such amendments as will correct any inequalities in the law.

Mr. Chairman and my colleagues, as stated before, the issue is clean-cut—whether any group of workers should be deprived of the protection of a law which requires the payment of 30 cents per hour or be forced back under the provisions of the Barden bill to the starvation wage of 5 cents and 10 cents per hour. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Chairman, in the Appendix of the CONGRESSIONAL RECORD, page 2260, the gentlewoman from New Jersey inserted an analysis of the three bills made in order by this rule. I think it would be very informative to every Member if he or she would study this comparison.

In view of the fact that the rule has now been made a wide-open rule, I wish to advise the House that it is not my intention to offer H. R. 7349, which is the bill that bears my name. The only purpose for introducing that bill last year was because we had reached a stalemate in the controversy between the Norton bill and the Barden bill and I wanted to make an effort to take the noncontroversial items which were identical in both bills out of controversy and pass them at that time. The effort was not successful. In view of the fact that the rule is now an open rule, I see no necessity for presenting the bill which bears my name. I may say to the Committee frankly that there is another reason why I do not desire to present it, and that is that I do not want any bill bearing my name to carry any exemptions from a 30-cent-an-hour wage. [Applause.] I do not expect to vote for any such exemption.

In order to understand this controversy you must understand some things about the original act. In the first place, you will find in the original act a definition of the word "agriculture." "Agriculture" is defined to include farming in all of its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity, including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry or lumbering operations, pursued by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market delivery to storage or to market, or to carriers for transportation to market. So whenever anybody tells you that the wage and hour law brings farmers or persons employed by farmers in farming operations under the law they just do not know what is in the law. They are not included under this law, never have been, and it never was intended that they should be. There are three other very pertinent sections of this law that you ought to understand.

Section 6 of the law is the one which imposes minimum wages.

Section 7 of the law is the section that imposes the maximum-hour limitation.

The exemptions to the act from both wages and hours are contained in section 13.

The difference been the Norton bill and the Barden bill, to put it in simple language and in a short space of time, in the main, is this: The gentleman from North Carolina [Mr. BARDEN] proposes to exempt from both wages and hours, that is, from both sections 6 and 7 of the present wage and hour law, many operations which are generally referred to as being the processing of agricultural products, on the theory, as I understand his argument and those who support him, that the increased cost due to the wages prescribed in the hour limitation and involved in the wage and hour law are reflected back in a reduction of the purchase price which the farmer receives for his product. That is the argument for the Barden bill, as I understand it. On the other hand, the Norton bill undertakes to eliminate, as does the Barden bill, the area of production that is contained in section 13 of the present law and to eliminate, not from the wages provided in the law any of these operations but to extend the hours of the workers who process agricultural commodities to 60 hours per week as opposed to the 42 hours now in effect under the present law. In a nutshell, that is the controversy which is raging here today. You can eliminate from your minds the bill I have introduced because everything in it, with the exception of one proposition having to do with the western mining situation, is included in both the Norton and Barden bills.

The question you have to determine here when we get to the amendment stage is whether or not you want to vote to exempt from the 30-cent minimum wage, $12.60 per week under the present law, people who work in canning factories and in processing factories dealing with agricultural commodities throughout this Nation. Insofar as I am concerned, I am not going to vote to exempt those people unless it can be shown to my satisfaction that the entire cost of imposing the 30-cent wage is paid by the farmer himself and to meet that test in very few instances has anybody been able to bring any facts which satisfy my mind that the wages paid in canning plants and in other processing factories that deal in agricultural commodities are reflected back in a reduction of the amount received by the farmers. On the contrary, I want to point out to you that the farmer has no place to sell his product except to the people who work in industrial plants and who work in commercial places in cities and in towns. They do not sell back to the farmers themselves.

I come from what is generally called the deep South. I occupy a position here that is perhaps different from some

of my colleagues from my own State and my own section and what I have to say about this bill I do not wish to have construed as a reflection upon the attitude of any other gentleman who is a Member of this House. All of us have our own responsibilities here, and we must meet them in the light of our own consciences and our own understanding of our duty here; but I am one of those from the South, now representing a district in this body, who believes that the time has come when the South can no longer live on a strata of economic life different from that existing in other sections.

I believe the time has come when, as rapidly as we possibly can, without too greatly disturbing the existing conditions, we must undertake to bring our economic levels up to an equality with those of other sections of the United States. I think we have to have parity in everything with the other sections of the country if we are to have prosperity in the South; therefore, as one Member of Congress, I am not willing to take the position in this House that because we are largely an agricultural section, and because it has been the custom in the South since time immemorial to pay people lower wages than they pay in other sections, we must forever continue this policy in our part of the country. [Applause.]

Mr. Chairman, it is true that the income of the people of our section of the country is below that of any other section of the United States. That is true of our farmers compared with the farmers of the West, and the East for that matter; it is true of our lawyers; it is true of our doctors; it is true of our business executives; they all get less money for the same service, because the South has been on a lower economic level than the remainder of the country. I am one of those who wants to see that condition corrected, and I believe under this law we will take a step, and have taken a step, in a direction which will be more beneficial to the South perhaps than any other section of the United States. Mr. Chairman, 30 cents an hour is too little for anybody to be paid for his work in this day and generation, but that is what we have in this statute, and I do not believe that any of us can go home to our constituency and justify an exemption from that kind of wage scale on any other theory except that it is paid by a farmer who himself cannot control the prices of his commodities from which he gets his income. That is the test which must be placed in front of me before I will vote for an exemption of any operation under this law from the 30-cents-an-hour wage.

Mr. DIES. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. DIES. Is it not a fact that when there is an increase in the price of any farm implement growing out of an increase in wages that that is passed on to the farmer? What is the difference between a canning factory and a cultivator factory, or any other factory?

Mr. RAMSPECK. Of course, an increase in the price of anything the farmer buys is a disadvantage to him. There is no question about that.

Mr. DIES. What is the difference between a cannery on the one hand and a cultivator factory on the other?

Mr. RAMSPECK. There is not any.

Mr. DIES. The whole thing is passed on to the ultimate consumer eventually?

Mr. RAMSPECK. Yes. The difference would be in favor of the man making farm machinery, because the farmer does buy machinery. He does not buy canned goods. He cans his own if he gets any, and most of them in my section of the country cannot buy any. I would like to see their income raised down there, if there is any way to do it.

Mr. WOOD. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Missouri.

Mr. WOOD. Is it not a fact that the wages paid by the International Harvester Co. and these other manufacturers of farm machinery have nothing to do with the price of the machinery?

Mr. RAMSPECK. The gentleman may be correct. Certainly there is nothing in this bill that would warrant an increase in the prices of the things he mentions because they have always paid more than the minimum prescribed in this act.

Mr. MICHENER. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Michigan.

Mr. MICHENER. Did I understand the gentleman to say that the cost of producing a thing has not anything in the world to do with the sales price of that article?

Mr. RAMSPECK. I do not believe he said that.

Mr. MICHENER. That is what he said.

Mr. WOOD. What I meant to convey is that the wage cost in the production of a thresher or a binder used on a farm is a very small part of the cost of that machine to the farmer. It is not 1 percent, nor one-half of 1 percent.

Mr. MICHENER. I would like to have the gentleman put the figures in the RECORD.

Mr. RAMSPECK. You may discuss that in your own time.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. MAY. Either I misunderstood the gentleman from California [Mr. WELCH] or I misunderstand this debate. I understood the gentleman to say a while ago that there was evidence before the Committee on Labor that someone in this country was paying as low as 4 cents an hour wages. Is this true or is it not true?

Mr. RAMSPECK. I do not recall the exact figures. We have had evidence of some very low wages, and I believe perhaps we did have some testimony about some home-work operation where that was true.

I must finish my statement now.

I wish to urge the Members of this House to study the comparison of these bills shown in parallel columns in the Appendix of the RECORD, page 2260, because I find there is a great deal of lack of understanding of what the Norton bill proposes to do. I think it goes just as far as we ought to go in amending this law. I do not believe we ought to make further exemptions from the wages provision of the act, which now provides 30 cents an hour for a 42-hour week. The most that can be imposed under this law today is $16 a week. Insofar as the operations that are involved in this controversy are concerned, $12.60 a week is the maximum the law requires today, because no industry committees have fixed higher wages, as they might do if that procedure were followed.

We are faced with this situation: We have to choose between a bill which completely exempts from both wages and hours people who to my mind are nothing in the world but industrial workers processing agricultural commodities in packing plants and in canning plants and in plants like the Borden Milk Co., places of that sort, where they make cheese and things which this Norton bill does not exempt. I wish to say here that perhaps I was in error about my reply to the gentleman from Wisconsin a while ago, that perhaps canned milk is given a 60-hour week under this act.

I hope the Committee will see fit to vote down the Barden bill and limit these exemptions to hours alone. [Applause.]

[Here the gavel fell.]

Mr. BARTON of New York. Mr. Chairman, will the gentleman take 1 minute from this side to answer a question?

Mr. RAMSPECK. Yes; I will take more, if you will give it to me.

Mr. CASE of South Dakota. In view of the gentleman's statement with respect to his own bill, and the particular section in his bill with reference to mining, what does the gentleman propose to do? I have compared the bills and I believe the section in the gentleman's bill on mining is extremely important.

Mr. RAMSPECK. I intend to offer an amendment either to the Norton bill or the Barden bill, or both, containing that amendment in the language which appears in H. R. 6406, which limits it to mines which are inaccessible due to high altitude or remoteness from cities and towns. The amendment I propose to offer is one in which the gentleman from Colorado [Mr. LEWIS] and others are interested, and it is, I think, a perfectly sound amendment. [Applause.]

The wage and hour law, in my opinion, by raising the income of the workers who are lowest paid, will help to bring better health to these citizens.

To show that this may be true, I include herewith a part of a statement made by the Surgeon General of the United States.

[From Alliance (Ohio) Review of April 12, 1940]

NEW TYPE OF FAMINE IN UNITED STATES

CAMBRIDGE, MASS., April 12.—A new kind of starvation—due to faulty nutrition—is gripping more than one-third of the Nation, Dr. Thomas Parran, Surgeon General of the United States Public Health Service, said today.

Declaring "more than 40 percent of the people of the country are not getting a diet adequate to maintain good health and vigor," he said in a lecture at Massachusetts Institute of Technology that improved nutrition should be recognized as a "national problem."

"The new kind of starvation," said he, "may be even worse in its ultimate social effect than the ancient famines which periodically killed off a large part of the population."

The foods of which the Nation has an apparent surplus, he said, "are those in which the national dietary is deficient—milk and milk products, citrus fruits, green vegetables, and meats."

It seems to me that one certain result of increasing wages to those in the lowest income brackets is to increase their consumption of farm products.

In support of this statement, I include with my remarks an article by Charles G. Ross, which is as follows:

[From the St. Louis Post-Dispatch of March 4, 1940]

WASHINGTON LETTER

(By Charles G. Ross)

HOW THE FARM PROBLEM IS LINKED WITH INDUSTRIAL UNEMPLOYMENT—"SURPLUSES" SEEN AS ONLY "A SMUG NAME FOR A SHOCKING AMOUNT OF UNDERCONSUMPTION"

WASHINGTON, March 4.—The problem of what's the matter with the country, from whatever angle you view it, gets down in the end to the matter of unemployment. Along with the new ideas and the new tools of government that this administration will hand along to the next, there will go this terrible legacy—barring an economic miracle—of some 10,000,000 unemployed. Till the deep-seated ailment represented by these figures is cured, or at least greatly alleviated, there can be no real health in our economy. If the evil of unemployment can be ended, we shall have no trouble in taking care of the lesser of our ills.

These are truisms, and precisely because they are, there is danger that their significance will be overlooked or forgotten in our preoccupation with the side shows of the political campaign, and, at the moment, with foreign affairs. No national candidate seeking the favor of the people should be allowed to dodge the great underlying domestic issue of unemployment.

What has brought this problem of unemployment to the top of the writer's mind is a speech which Milo Perkins, president of the Federal Surplus Commodities Corporation, made recently to a farm institute at Des Moines. We are accustomed to think of the farm problem as one thing, and the problem of getting men back to work in industry as something entirely different. Mr. Perkins shows vividly how interrelated are the two.

He approaches the subject from the angle of the farmer. The farmer's troubles stem from his production of more than he can sell in the present market at a profit. There are three reasons behind this condition. One is the fact that scientific methods have enabled the farmer, without extra labor, to make two blades of grass grow where one grew before. He doesn't know where to sell that additional blade.

The second reason pointed out by Mr. Perkins is the dislocation of our foreign trade. Incidentally, he says that the present war is certain to hurt our agricultural exports in the long run, and he fears that after the war things will be even worse. This is the unhappy prospect because the Allied nations, fighting fire with fire, are going more and more on a totalitarian basis and adopting centralized controls of their foreign trade. After the war, Mr. Perkins thinks, we are likely to find ourselves in a world reluctant to give up its barter economics.

The third great cause of farm surpluses has to do with the 10,000,000 unemployed. Here is where the plight of the farmer and the plight of the jobless industrial worker are seen to be integral parts of the same problem. For the term "surpluses," as Mr. Perkins says, is simply a "smug, polite name for a shocking amount of underconsumption."

He states the case very simply and very graphically. Notwithstanding the fact that industrial production rose last December to the 1929 level, we continued to have an army of unemployed not much smaller than that of the bleak days of 1932–33. The reason for this was twofold: The growth of population and the increased output per worker—something like 20 percent in the last 10 years. We have been smart enough to make amazing mechanical improvements. Are we going to be smart enough to provide jobs for the jobless? Mr. Perkins does not exaggerate when he says that "on our answer to that question—not in words, but in jobs—hangs the future of our industrial democracy. In other lands it has lost its race against time; if we have the courage to make it work here, then we shall be in truth a chosen people."

We can produce almost anything. The problem is to learn how to distribute what we produce so that we can wipe out this black plague of the twentieth century—underconsumption. Ahead of us is a job of national pioneering which has barely been started.

The trade-agreements policy of Mr. Hull is excellent; we need all the foreign outlets we can get, both for our farm and our industrial products. But, there's a tremendous potential market here at home beside which the foreign market, at its best, shrinks into insignificance. Mr. Perkins tells some of the possibilities from the viewpoint of the farmer with the miscalled "surplus." A few of his figures will illustrate the point.

In 1935–36, nearly two-thirds of all the families in the United States had incomes of less than $1,500. The average for this group was $826 a year—$69 per month for the whole family. "That," says Mr. Perkins, "is the story of underconsumption in one figure."

Some Utopian figures could be given, but let's see what would happen if all the families getting less than $100 a month in 1935 had been able to raise their incomes to that level. The increase in expenditures for food would have been $1,900,000,000. The national food bill would have been increased more than 14 percent, farmers would have received directly nearly a billion more in income, the extra demand would have increased their income by a large additional amount, the improvement in the farmers' status would have contributed to the general well-being, industrial unemployment would have been decreased.

To provide jobs for the jobless in private industry and so end underconsumption—that's the crux of the great economic problem that bedevils us, and none of those holding or seeking national power should be allowed to forget it.

Mr. Chairman, if we can improve the health of the workers who are paid low wages, and can enable them to buy more food and clothing, we will have brought assistance to the unemployed and to the farmer.

As I have stated, the farmer must sell his products largely to the citizens of the cities and towns. They can buy only from the wages received for their labor. Therefore the farmer is interested in seeing that industrial workers are properly paid.

Persons employed in canning factories, packing plants, and in similar activities, which the Barden bill seeks to exempt from wages as well as from hours, need the protection of this law.

I cannot give my consent to vote to exempt these people who now are required to be paid only 30 cents per hour. How can any Member of Congress, making as we do a sum equal to 2 weeks' wages for them for each day, face those people and say that they do not need to be protected from a situation which places their meager earnings in competition? Wages that low should not be a matter of competition.

The Norton bill keeps the floor under these low wages. It gives longer hours to take care of the small plants. The large plants work under contract with labor unions, so their employees are protected.

It seems to me that the Norton bill is an answer to any valid criticism in the present law as to these processors of agricultural commodities. The Barden bill goes too far.

[Here the gavel fell.]

Mr. BARTON of New York. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, the remarks you have just heard coming from a Democrat from the South ought to have a great deal of effect on the minds of those who are at least on the borderline and who have retained an open mind on whether they would support this humanitarian legislation or whether they would oppose the whole wage and hour law, not only because he comes from the Southland but because he comes, I assume, from an agricultural district. I, too, come from an agricultural district of the North, and I voted for the wage and hour bill. I believed then it was sound and meritorious legislation. I believed it was constitutional, although I knew at the time it was an invasion of the rights of the States. I am convinced that most of the American people have made up their minds now that it was proper and needed legislation; that it was constitutional; and that it was in the interest of all the American people and particularly in the interest of what we are apt to term the forgotten men and women, the millions of wage earners who are not organized, who have no voice and little representation, including

the colored people who are not represented here from Southern States.

I have the highest respect for the gentleman from Georgia [Mr. Cox]. He is a distinguished Member of this House, and has the courage of his convictions. He is a first-rate fighting man, and there is hardly a better one in the House. He is honest and sincere in his opposition and I do not impugn his motives. He is opposed to the entire program of wages and hours. He opposed it when the bill was up. Therefore, when he comes before the House and leads a fight to amend the bill I advise the Members of the House to remember that old story about Greeks bearing gifts. To my mind, this Barden proposal is the Trojan horse that the opposition are trying to insert in the walls to break down, to undermine, and to ruin and destroy the wage and hour law that was enacted by the Congress of the United States to lift up the wage scale of those unfortunate American wage earners who were receiving 5 and 10 cents an hour and to give them, little enough, 30 cents an hour.

If I have any criticism of this bill it is that it should have been enacted years and years ago to maintain a proper American standard of wages and of living. I do not agree with some of my friends on the Republican side, even from my own State, who have opposed the bill from the beginning. We on the Republican side have always stood for an American standard of wages and of living, and when we refuse to vote at least a 30-cent-an-hour wage we are certainly not upholding that great ideal of the Republican Party which we have adhered to for so many years, the protective tariff which aims at establishing a proper and an adequate American wage scale and standard of living.

I hope my Republican friends listened attentively to the remarks of this Democrat from the South. I, too, come from an agricultural district of the North and do not believe that there is any discrimination against American farmers in upholding a $12-a-week wage scale.

Mr. COX. Mr. Chairman, will the gentleman yield to me?

Mr. FISH. Certainly, I yield to the gentleman.

Mr. COX. The gentleman to whom the speaker refers as coming from an agricultural district of the South is the one Representative who comes from the great city of Atlanta, of which the South is proud.

Mr. FISH. I am glad to be corrected.

Mr. COX. Of course, I join with the gentleman in the compliment he pays my colleague, whose friendship I appreciate and as to whose understanding and fine patriotism I gladly testify. Now, it has become somewhat of a habit on the part of members of the Labor Committee to make me the object of attack. They seek to point me out as a labor baiter, altogether opposed to the doing of anything that might improve labor. The constant attack made upon me by the chairman of the Labor Committee, and the ranking minority member of the committee, the gentleman from California [Mr. WELCH], reminds me of a story. When I was a small boy living far out in the country, my mother had an old hen that was always sitting. She had, however, a most contrary disposition. We would duck her, but she would go back on her nest. However, in indulging her disposition to quarrel she somewhat neglected her nest, and the eggs grew cold and never hatched. We had also an old rooster. He was the handsomest thing in the barnyard. [Laughter.] He was always crowing in response to the cackle of the hens, but in all the years that he reigned in the barnyard there was never a chick that looked like him. [Laughter and applause.]

Mr. FISH. I have never questioned the gentleman's motives and do not propose to do so now. I commend the gentleman from Georgia because he has the courage of his convictions to oppose this type of legislation on every occasion, and there are those on our side who have opposed this legislation likewise, but I feel that the American people themselves have already determined that this is sound and wise humanitarian legislation and is deserving of the support of all the Representatives in Congress who want to maintain American standards of wages and living.

Now, as I said yesterday, I believe in certain modifications and in certain amendments to this bill, particularly as far as seasonal hours are concerned. Up in New York State, where they grow tomatoes, and the tomatoes get ripe at a certain time, of course, there must be an amendment to the bill so that those canneries can operate without paying overtime. Such amendments are proper and should be in order, and no Member should oppose them.

The reason I have risen here today is simply to insist that the Members on both sides realize that an attack is being made on the whole fabric of the bill. The opposition is seeking to undermine, destroy, and ruin the wage and hour bill. This is the last chance to undermine and wreck this humanitarian legislation, and every kind of amendment will be offered with the sole purpose of breaking down and ruining the wage and hour law, which is based on the principles of social and industrial justice in the United States.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. For a brief question, yes.

Mr. MAY. The gentleman understands, of course, that there is a division between certain labor groups in this country and quite a controversy. I have got the impression from the reports that come in here and the way these bills have come to the floor of the House, as well as from the debate, that the Norton amendments are aimed at heading off the Barden amendments and that the Barden amendments are aimed at the wrecking of the bill.

Mr. FISH. I think the gentleman from North Carolina [Mr. BARDEN] can speak for himself. He is going to follow me, I believe, but the Labor Committee has reported out the Norton bill which carries the amendments that they think are meritorious and would be helpful.

Mr. MAY. And they have reported two other bills.

Mr. FISH. No; the Committee on Labor has reported out only the Norton bill. They have considered this issue for a long time and they have reported that bill out by either a unanimous vote or a very large and substantial vote. Therefore, if they are for this bill, it certainly should have the right of way ahead of the Barden bill.

What I am arguing about is this—not that we should not amend the law in certain instances, but we want to make sure that those who are trying to destroy the bill shall not creep in under a Trojan horse and destroy the whole bill by their efforts to go too far and sabotage and wreck existing law.

Mr. MAY. Does the gentleman mean to say that the Rules Committee did not report out the Barden amendment?

Mr. FISH. I was talking about the Committee on Labor.

Mr. MAY. I was talking about the Committee on Rules.

Mr. FISH. The Rules Committee reported all three out, but there have been no hearings on the Barden bill or on the Ramspeck bill. The only hearings that I know of were held on the Norton bill, and that is the bill that I am supporting today, and I hope that those amendments will go through and that Members of the House will not try to enlarge on them and add to the amendments so that wage earners who are not farmers, who are not agriculturalists, who are in no sense tillers of the soil, but who are industrial workers, will be excluded from the provisions of this law. I am in favor of any honest, fair, and needed amendment, but I oppose right here and now any and all efforts to destroy this sound and humane legislation, which I think is the fairest, soundest, and best piece of legislation that the New Deal has enacted into law.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SCHAFER of Wisconsin. In order to make this Wage and Hour Act effective, will the gentleman favor an amendment which will require that imports from foreign countries under the Hull New Deal American sell-out trade treaties, to be produced under the same wage and hour limitation? Many of those imports from foreign countries are produced by people who work 20 hours a day and who receive much less than 5 or 10 cents an hour.

Mr. FISH. I think the Republicans are all agreed to that proposal—that we have to protect the American wage scale

against the sweatshop and pauperized labor of Europe and Asia.

Mr. SCHAFER of Wisconsin. We should not permit low-wage and long-hour foreign imports to continue. The workers in many foreign countries work 20 hours a day and for as low a wage as 1 cent an hour. If we continue to import the products which they produce we are really hitting the American workers in competing industries below the belt and doing far more damage than we will ever correct by the Wage and Hour Act.

Mr. CASEY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. CASEY of Massachusetts. The gentleman pointed out that there should be some seasonal exemptions, for example, in the tomato-processing industry in his State.

Mr. FISH. Yes.

Mr. CASEY of Massachusetts. May I suggest that the Fair Labor Standards Act already has a seasonal exemption of 60 days, so far as time and a half is concerned.

Mr. FISH. That is what we are primarily concerned with, the time and a half, and not the wage scale. I think the objections on this side from the farming districts are probably all on the time-and-a-half proposition and not on the wage scale, but the amendments in the Barden bill are on the wage scale, and more than 1,000,000 wage earners would be exempt from the minimum-wage scale if that bill is adopted. In conclusion, as far as any amendments are concerned, I do not propose to vote for an amendment to the existing law that lowers the wage scale by as much as 1 cent. That ought to be the test of all amendments. If any amendment lowers the wage scale, then I think those in favor of this legislation ought to vote it down. If the amendments have to do with seasonal hours, that is a different matter, and they ought to be considered upon their merits.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. BATES of Massachusetts. Having in mind the position of the gentleman from New York, as well as myself, and I have favored the wage and hour bill from its very inception, does the gentleman believe that the purpose of this bill is to include the higher-brackets-income people or is it promoted for the purpose of taking care of the low-wage-scale people?

Mr. FISH. Oh, the higher brackets ought to be excluded.

Mr. BATES of Massachusetts. The great mistake that we are making is to force that proposition in the higher brackets.

Mr. FISH. That ought to be excluded. This law is meant to lift up the wage scale of millions of low-paid and impoverished people in America, both North and South, and if we Americans do not believe that an American citizen is worth 30 cents an hour, then we have not very much faith in America or in American citizens. If $12.60 a week is too much for an American worker, in the greatest and richest country in the world, then we have not much faith in our own country, in its citizens, or in its great destiny. The main defect in the bill, I think, is that it does not increase the wage scale to more than 30 cents an hour, or $12 a week, immediately.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. COFFEE of Nebraska. The gentleman is familiar with the exemption from overtime penalties that were granted in the original bill to the livestock processors for 14 weeks during the year, in the aggregate. In that industry they pay from 60 cents to $1.27 per hour, but the wage and hour Administrator's ruling has nullified that exemption.

The shipper who ships cattle or hogs or lambs to the processor cannot pass that extra cost on to the consumer.

Mr. FISH. Well, all I can say is I am in favor of doing away with all of these inequalities and injustices. I would favor any such amendment to do away with them. [Applause]

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN of North Carolina. Mr. Chairman, this is a matter in which I am very, very sincerely interested. I never have on this floor, nor do I now, propose to indulge in personalities or in questioning the motives of anyone. I like to regard this House as a body of men and women who are here with the sincere purpose of representing, to the best of their ability, the people of this country. For my part I am willing to account to my people or my Maker for my conduct in that respect.

There has been some bitterness about this bill. Why I do not know. There has been much confusion.

Mr. Chairman, this is not a question of cutting someone below $12.60 a week. Lord knows $12.60 a week is too small for any family to live on during these times, but I am sorry to report to this House that there are millions who have to live on less than that.

Why did they leave the farmers out to begin with? [Applause.] Somebody answer that question in an intelligent manner. Was it because his income was so small from the products that he feeds the folks of this Nation that he could not pay a pittance of $12.60 per week? Yes, my friends, I have them in my district who are making 4 cents, less than 4 cents, per hour. I visited my courthouse recently and there the walls are plastered with notices by the Federal land bank, the joint-stock land banks, money lenders, banks, and otherwise foreclosing these homes. Why? Listen to me. Why? Because the people of this country have been eating their products and paying them approximately nothing for them.

Now, let us get to the practical side of this thing. I, opposed to $12.60 a week? I despise the thought of it, as a principle; but I say to you if you are going to put a floor under those who handle agricultural products, then for God's sake do not put the farmer under the floor. [Applause.] Where is the floor under him? Oh, yes. You like ice cream with strawberries. You like strawberry shortcake. You like strawberries with cream. Here is a report of what those berries cost the man, just from the bush: Two cents a quart to pick them and to examine them and to pack them and to put them in the crate; 40 cents for the crate. What does it cost him to take a crate of berries from the bush to the platform? It costs him $1.42, and they were selling for $1.50 to $1.75 and $2 in my district, and I represent the greatest strawberry-producing district in the United States.

Pray tell me how is he going to pay for the fertilizer, the hoes, plows, and other supplies and equipment that he buys from the manufacturing companies? Every time you add handling charges to those products, whether it be strawberries or vegetables or other agricultural products, you do not put them under the farmer; you put them on top of him. Now, let somebody deny that. You have only to refer to the fact that in 1937 we were 21 percent above the 1910–14 level on agricultural prices. In 1938 down we went 26 percent. In 1939, 7 percent more. How long can the farmers endure that?

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. I would like so much to go along with my statement.

Mr. DIES. I want to get a little information.

Mr. BARDEN of North Carolina. Please let me go along with my statement.

Take a quart of strawberries. Do you know that when the price of strawberries reach 15 or 20 cents a quart, people will not pay another penny for them; yet that quart of berries brings 3 or 4 or 5 cents or possibly 8 cents down where it is grown. You can add on all the handling charges to that quart of strawberries that you want to, but when New York wires down to their buyers on that market, they say "Pay $1.75 for berries this morning," and that is all they pay, my friends. All the handling charges deducted and the farmer gets what is left. When the "ducks" get through with him, the "ducks" have got it all. Now, that is a general proposition.

I am very serious about this. I represent a district 200 miles in length and approximately 100 miles in width. It is populated with agricultural people, rural people, honest, hard-working people; yet the farmer can sit up 24 hours a day, day and night, curing his tobacco, and when he takes it to the warehouse the man will come in there at 8 o'clock and make more money on his tobacco from 8 o'clock to 4 o'clock than the farmer will make in a week. And tell me they do not pass that on to that farmer; why, they walk right up to the window. Over here is all the handling charges. Over here is what the tobacco brought. Right in front of his eyes they deduct that from the price of his tobacco and he gets what is left. Now deny that.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. No, I do not care to yield at this time.

The CHAIRMAN. The gentleman from North Carolina declines to yield.

Mr. BARDEN of North Carolina. With regard to the large cities I would say that New York City, Philadelphia, Baltimore, and Washington have taken more from my people and paid less for it than any group of people in the world today. I recall getting up one frosty morning thinking I would make a little money. I cut 22 baskets of nice lettuce and shipped them to Philadelphia. I started cutting at about 3:30, and finally got them on the train at 7. A week and a half later I got a check for 16 cents—16 cents. They might have paid me 1 penny a basket for a 50-pound basket of iceberg lettuce, it seems to me, but I got only 16 cents.

Mr. Chairman, they, the farm producers, are the folks I am talking about. Maybe I am wrong. If I am, God knows I have never been more sincere and honest in a conviction in my life.

I want to say this about these amendments: I wiped out of the law the term "area of production," yes. I challenge any man or woman in this body to justify the Administrator's interpretation of area of production; I challenge any man or woman in this House to justify leaving the term "area of production" in the law in such way that the Administrator can make it 10 miles this week, 5 miles next week, or 30 miles next month. How can an industry, in which 32,000,000 people in America are engaged and working, survive any such uncertainty?

I do not want to hurt the industrial worker. I deplore the statement. I deny it emphatically. There is no disposition on my part to want to hurt the industrial worker. But, Mr. Chairman, it does not sound well to me to be told that they are paying $1.80 an hour to the person who cuts up the hog that my folks sell for 4 cents a pound. In 3 hours the man in the factory cutting up a 100-pound hog can earn enough to buy one, a hog that it took a farmer 6 months to grow. And then we want to keep adding on and adding on. I do not see how we can do it.

I wiped out the term "area of production." I thought it was the only safe thing to do.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. Just briefly.

Mr. COOLEY. The gentleman made the statement that he wiped out "area of production." Is it not a fact that they wiped it out down in the Department, that they struck it out by administrative interpretation?

Mr. BARDEN of North Carolina. They wiped out the exemptions which were granted by Congress and by Congress put in the bill.

Mr. COOLEY. That is what I mean.

Mr. BARDEN of North Carolina. I just struck out "area of production" in my amendment. [Applause.]

Mr. Chairman, let me say that I do not believe this body wants to leave the destiny of agriculture and the agricultural people in the hands of any one man who is an Army colonel and does not even pretend to be an agricultural man. We passed an act which, among its provisions, stated that the Administrator was to report to this body and recommend amendments to this act. Congress expected that amendments would be needed. Why should I be maligned and abused for suggesting the very thing the House ordered the Administrator to do when the act was passed, to make recommendations to this body as to how the act should be changed? I suggest you read the act.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. I am advised that my time has expired. Would the gentleman from California grant me a little more time? I have been working an awfully long time on this.

Mr. WELCH. I may be able to later in the day, but I cannot do it now.

Mr. BARDEN of North Carolina. May I not have just 5 more minutes?

Mr. WELCH. I cannot disappoint Members whom I have already promised time, much as I would like to accommodate the gentleman.

Mr. BARDEN of North Carolina. Will the gentlewoman from New Jersey grant me a little time?

Mrs. NORTON. I am sorry; I have not even a minute left that I can grant. I am sorry.

Mr. BARDEN of North Carolina. I am awfully sorry. I have worked about a year and a half on this. I would like to discuss my amendments individually, for it is rather difficult to try to cover a subject like this in a few minutes.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Time for debate has been fixed.

Mr. BARDEN of North Carolina. I thank my colleagues for their attention. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BARTON].

Mr. BARTON of New York. Mr. Chairman, I receive a good many letters and telephone calls congratulating me on the enlightened statesmanship I have shown in proposing my amendments to the Fair Labor Standards Acts. I also receive in the same mail an equal number of letters and telephone calls accusing me of wanting to trample down the lowest and most unprotected workers in the United States. Just to make it clear for the RECORD, I think I ought to start by stating that I am the Mr. BARTON of New York who in this particular instance is supporting the bill and upholding the hands of the chairman of the Committee on Labor, and not the Mr. BARDEN of North Carolina who is causing her such mental and spiritual anguish. [Laughter.] On many other matters the gentleman from North Carolina [Mr. BARDEN] and I find ourselves in agreement; and I am convinced that if we went back far enough we would discover that we had a common ancestry and that probably one of our ancestors, his or mine, just did not know how to spell.

Mr. Chairman, my quarrel with the New Deal administration is not at all with respect to its so-called social objectives. I have been sometimes criticized within the ranks of my own party for being too sympathetic with and too friendly toward those objectives. My quarrel has to do, first, with what I regard as the grave danger involved in the New Deal's unsound and extravagant fiscal policies which I believe are jeopardizing the credit of the Nation, and will eventually harm most seriously the very people—the poor and the weak—whom it is the professed object of the administration to help. My second quarrel with this administration is that it is so much enraptured with reform that it has altogether too little interest in sound administration.

Now, I want to say, in all justice to the administration, that when it came to finding an administrator for the Wage and Hour Act, the President of the United States made an honest, earnest effort to get the ablest men who could possibly be put in that position. I happen to know something about that, because curiously enough through a mutual friend my help was enlisted to see if we could not persuade one of the leading business executives of this country, who was persona

grata to labor, industry, and agriculture, to become administrator of the Wage and Hour Act. Unfortunately it was impossible to secure him because of commitments he had already made to his associates. In his place the President appointed Mr. Andrews. Subsequently, the gentleman who had been first approached, had a conversation with Mr. Andrews, in which he put forth some very sound advice. He said:

> My suggestion to you, Mr. Andrews, is this, and it is what I would do if I were in your place—go in there and apply this law at the beginning to just as few people as you possibly can. Start slowly; build your organization slowly. The law was enacted to get rid of sweatshops, child labor, and chiselers. Clean out those sore spots first, then feel your way along, and do not try to stretch out and include everybody at once.

Now, I believe that Mr. Andrews was well intentioned, but he had the misfortune to find himself surrounded in the division of wages and hours by a group of lawyers with a pretty rigid legalistic turn of mind. Many of us here in the House who had to do with the administration during his incumbency discovered how difficult it was to get any sort of reasonable rulings out of the Wage and Hour Division. My own mail, last year, was loaded with complaints and pleas for amendment to this law. I cannot speak for any other Member, of course, but my own experience, peculiarly enough this year, has been that I have received almost no complaints as contrasted with the overwhelming volume that poured in on me last year. I attribute this in part, and I think rightly, to the fact that Colonel Fleming came into the administration of the Division and brought a more flexible attitude, a better understanding of the problems of industry as well as of labor, and is trying earnestly to iron out the sore spots even in advance of the enactment of these amendments which the Labor Committee has proposed.

Specifically I know that a study is now going on seeking to arrive at a more workable definition of "seasonable industry." It may well be possible to liberalize this definition in such a way as to provide reasonable exemptions to the smaller canning and processing industry, not in the matter of wages, which nobody proposes to do, but in the matter of hours. For example, a plant canning cherries in the spring might be exempted also as to the canning of apples later in the season. A plant in the citrus-fruit country might be granted 14 weeks' exemption from the hours regulations during the season of certain early oranges and a similar exemption during the season for grapefruit or some other kind of oranges. In other words, by redrawing the definition of "seasonal industries" not in terms of plants, but in terms of products, it may be easily possible to remove many of the hardships against which there has been most complaint and without dangerous amendments to the law. I know also that studies are taking place looking toward a redrafting of the definition of those workers employed in executive, administrative, professional work, or as outside salesmen, or in a retailing capacity. These definitions the former administrator made unnecessarily tight. Hearings are presently being held, for example, as to the application of these definitions to the wholesale distributing trade, with every promise of a sensible and satisfactory agreement by all parties concerned.

Of course, it was never intended under this act that the $5,000 or $10,000 or the $20,000 a year executive should be punching a time clock. The whole argument in 1937, as those of you know who were then in the House, was that we should once and for all eliminate child labor and the chiselers, as well as the sweatshops from this country.

In reassurance to the House, from my experience with the Division, which has been very close, I say again that I am impressed with Colonel Fleming's desire to be reasonable, cooperative, and willing to deal with situations in an open-minded way. He must have made this impression on both business and labor, for I understand his administration is entirely satisfactory to the leaders of organized labor; and certainly the complaints of industry and the pleas for relief which so loaded my own mail during the last session have largely disappeared.

My position in regard to the proposed amendments is clear. I favor the Norton amendments, which were worked out with painstaking care and after long deliberation in the Labor Committee. They remove hardships without weakening the act. Further than these amendments I am not willing to go.

The Barden amendments would, in my judgment, exempt hundreds of thousands of the poorest paid and most helpless workers, including large numbers of Negroes and other underprivileged white workers, especially in the South, for whose protection the act was especially designed.

Mr. BARDEN of North Carolina. Will the gentleman yield?

Mr. BARTON of New York. I yield to my cousin from North Carolina.

Mr. BARDEN of North Carolina. I am most highly complimented. I notice in the gentleman's figures, and I notice in the report which has been put in the RECORD that I am charged with exempting 325,000 "white collar" workers. In my provision it says if they have a guaranteed salary of $150 a month or a guaranteed yearly salary of $1,800 and are not required to work any minimum number of hours—in other words, they work when they please and keep their own time—then they are exempt. Does not the gentleman agree that there is considerable merit in that provision?

Mr. BARTON of New York. I may say to the gentleman from North Carolina I entirely agree with him on that.

Mr. BARDEN of North Carolina. This bill was passed to protect people working in sweatshops and the industrial workers generally, was it not?

Mr. BARTON of New York. That was the plea under which it was enacted. May I say in that connection that in the Norton bill the exemption is $200 a month, while in the Barden bill the exemption is $150 a month.

Mr. BARDEN of North Carolina. The fellow down in my country who gets $200 a month is a big shot.

Mr. BARTON of New York. I understand that.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from New York.

Mr. MARCANTONIO. The gentleman from North Carolina in his speech pointed out the sufferings of the farmer and the disadvantages under which the farmer labors. Does the gentleman from New York agree with the position taken by the gentleman from North Carolina by implication that the way to solve these ills is by taking it out on labor in this country?

Mr. BARDEN of North Carolina. The gentleman did not understand me to say that.

Mr. BARTON of New York. May I say to the gentleman from New York that I believe he must have misunderstood the inquiry addressed to me by the gentleman from North Carolina; he asked about the provision in respect of executives.

Mr. MARCANTONIO. I was not referring to a statement in his inquiry, I was referring to the implications that were to be drawn from the speech the gentleman from North Carolina made on his amendments.

Mr. BARTON of New York. I would rather have him explain the implications of his speech.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Pennsylvania.

Mr. RICH. If this bill had in the first place been drawn right for the benefit of labor in this country, why did they not include farm labor and why did they not include labor employed in establishments employing less than eight people, so that all the people would be taken under the bill, and thus make it the right kind of a bill in the first place?

Mr. BARTON of New York. We are trying to make it a better bill now.

Mr. McCORMACK. Mr. Chairman will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The answer to that is very simple, that we recognized the special plea of labor on the farm. We also exempted those employed on the farms from the Social Security Act.

Mr. BARTON of New York. You also exempt from the Social Security Act, do you not, concerns having less than eight employees?

Mr. McCORMACK. From some aspects of it; yes.

Mr. ROBERTSON. Mr. Chairman, will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Virginia.

Mr. ROBERTSON. The language on page 15 of the Norton bill in subsection 12 reads as follows:

Any employee employed in the cleaning, packing, grading, or preparing of fresh fruits and fresh vegetables in their raw or natural state when such operations are performed immediately off the farm.

May I ask the gentleman if the word "immediately" refers to time or distance or both?

Mr. BARTON of New York. I should say both, subject to correction.

Mr. ROBERTSON. Then to what extent would that make this bill conform to the statement of Colonel Fleming published in the Appendix of the RECORD, page 2260, that the Norton bill eliminates the area of production under which, as I understood, the clear intention of the Congress to exempt those rural workers engaged in packing fresh fruits and vegetables from the operation of the bill, they were brought under the bill by saying the area of production was 10 miles. Now, when you say, "immediately," have you not made a tighter area of production than we have under the present law? How far is "immediately"? Would it be 10 miles or would it be 100 feet?

Mr. BARTON of New York. I would like permission to discuss that when we reach that point in the bill.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Michigan.

Mr. MICHENER. I might suggest as a yardstick that the gentleman inquire of the Secretary of Labor, who fixed the locality or the vicinity under the Walsh-Healey bill as including 13 States.

Mr. BARTON of New York. Summing it all up, I believe we have now and can congratulate ourselves on having a reasonable, intelligent, and cooperative Administrator who appreciates the problems of both employer and employee. For this reason I favor adopting the conservative amendments recommended by the committee and giving him another 6 months or a year to deal with such individual situations as can be ameliorated by changes in the regulations and definitions. At our next session the Administrator, who, under the act, is directed to make recommendations from time to time to the Congress, may have discovered certain other ways in which the act can be perfected and unnecessary hardships and criticisms removed. But such changes, I believe, will be minor. Neither the next session of Congress nor any session will be willing either to repeal or undermine this legislation. It has commended itself to the social conscience of our people and has even in these few months been cheerfully accepted by the overwhelming majority of forwarding-looking employers throughout the land. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. WOOD].

Mr. WOOD. Mr. Chairman, I believe this issue is very clear in the minds of most Members. We have now come to a time when we can vote either to destroy the Fair Labor Standards Act or preserve the law in its present form.

In order that the record may be clear and so there will be no misunderstanding as to where the American Federation of Labor stands on this measure, I desire to state that I am just in receipt of a letter from Mr. Hushing, the national legislative representative of the American Federation of Labor, which encloses a copy of a letter that President William Green wrote to the gentleman from North Carolina [Mr. BARDEN]. The letter of Mr. Green reads as follows:

A study of the amendments which you have proposed to the Fair Labor Standards Act leads me to write you and frankly state that most of the amendments you propose are highly objectionable to the American Federation of Labor.

For instance, one amendment to the Fair Labor Standards Act which you propose provides that all wage earners who earn $150 per month would be excluded from the provision regulating the hours of labor which is embodied in the Fair Labor Standards Act.

Such a provision is economically unsound because at the present time most thinking people agree that the number of hours worked per week must be lessened if we are to overcome widespread unemployment. We must distribute the amount of work available among a larger number of people. That objective can only be realized through a reduction in the number of hours worked per day and per week.

The section which provides for the incorporation of the 44-hour week in the Fair Labor Standards Act cannot be regarded as unreasonable. It provides a uniform, standard workweek for all who are subject to the provisions of the law. If we are to exempt a large number of workers from this provision of the Fair Labor Standards Act, we will suffer indefinitely from unemployment.

It is my opinion that the Fair Labor Standards Act should at least remain as it is. Time will demonstrate the soundness of the provisions of this social-justice statute. It has only been in operation about 1 year. Sufficient time has not yet elapsed in order that we might test the soundness and practicability of the regulatory provisions of this act.

I wish to register in behalf of the membership of the American Federation of Labor and in the name of the American Federation of Labor our opposition to the amendments which you offer to the Fair Labor Standards Act.

Mr. Chairman, I also have a letter from the Railway Labor Executives' Association, which reads as folows:

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Chicago, Ill., April 19, 1940.

DEAR CONGRESSMAN: The Railway Labor Executives' Association composed of the 20 standard railroad labor organizations, representing approximately 1,000,000 employees, is unalterably opposed to H. R. 7133, and some of the outstanding reasons are:

This bill practically destroys the real spirit and intent of the original scope to protect the lower paid and also to reduce excessive hours. In our railroad employee groups are approximately 90,000 who receive less than 40 cents per hour—certainly not a decent American wage standard.

To enact the provisions of H. R. 7133 into law will tear down every vestige of progress made under a law which, in any event, has as yet not been thoroughly tested by experience.

Sane reasoning always justifies allowing experiences to govern. Our association has found itself in vexing and unreasonable positions again and again by some one or groups advocating something new or different prematurely, and in all such instances opposition and defeat of these movements have served to the best interests of the vast majority.

The Railroad Retirement Act, for example, has had many amendments offered to it, some meritorious and others detrimental, but since the meritorious amendments offered were completely overshadowed by those obnoxious and of greater evil than good, the correct position to take has been, and with success, to await time to learn from a fuller experience the correct avenue to follow to keep the Railroad Retirement Act whole.

Fair logic convinces us that the viciousness of H. R. 7133 leads in the direction to destroy rather than to constructively build and improve on that now in effect.

We urge that H. R. 7133 be defeated and that you will use your good judgment to accomplish that purpose.

Very truly yours,

J. G. LUHRSEN,
Executive Secretary.

The question has been asked, Why should we not include the farmers in this legislation? The Members of this Congress know that all social legislation passed by any State in the Union or by this National Congress affects the industrial worker. The agricultural workers are always exempted, because it is not intended to cover agricultural workers. There have been some very brilliant assertions made on the floor of this House in behalf of the farmers of this Nation, but I am sorry that those same impassionate speeches could not be made when the question comes before us of parity prices for farmers, low-interest rates, and legislation enabling farm tenants to purchase farms and homes. I have not heard any of those impassioned orations when such legislation was being considered by the House. I have not received one single letter from a farmer in my district in opposition to the Fair Labor Standards Act. The farmers who are talking about it belong to that type of farmer who farms the farmers.

Here is a letter I have from the Federal Cold Storage Co., of St. Louis, and I have hundreds of letters from like institutions. The letter reads as follows:

My advice is that the Barden bill, H. R. 7133, may come up for consideration in the near future. It is urged that this bill amending the Fair Labor Standards Act of 1938 be favorably acted upon for the benefit of the individuals and companies engaged in the handling and marketing of agricultural and horticultural products.

These are the people that an effort is being made to exempt from the operations of this law. If the Barden bill is passed, it will exempt from the operations of this law probably one million and a half workers now under the law. There will not be a packing house in this Nation or a processing firm or milk producer under the law. The Borden Milk Co. and many other similar companies will not come under the law. There will not be a single one of those manufacturing institutions under the law, and a million and a half workers will be deprived of the benefits of the Fair Labor Standards Act.

The Labor Committee endeavored to arrive at some reasonable amendment to this act, because there was a hue and cry for amendment; but the Labor Committee went further than I wanted to go, and I will say to you that I cannot support this bill. I cannot support either the Barden bill or the Norton bill, because they have allowed home work to creep into this law, and by an amendment they have legalized that dastardly system of sweating by allowing the Administrator, by order or regulation, to investigate home work in so-called rural communities; and if it be found that the elimination of home work curtails work opportunities, the Administrator is authorized and empowered to issue an order allowing home work to be done, a thing we have been fighting to eliminate in this country for the past 40 or 50 years.

I cannot see any reason for the adoption of either bill. The committee bill, the so-called Norton bill, extends the hours of some million and a half workers. The main object and reason for the passage of the Wages and Hours Act was to raise the standard of living and to spread the work and to eliminate unemployment. There is no other reason for reducing hours of labor from 44 to 40 hours a week or from 54 to 40 hours a week except to spread employment.

Now, here is the type of farmer who is affected by this law, and they are really not farmers. They are processors rather than farmers. I have in my district several processing institutions that have contracted with their employees and the hourly provision in the wage agreement is in accordance with the limitation of the Wage and Hour Act, but it provides that in case the Wage and Hour Act is repealed or processing institutions exempted from the operations of the law, then the hourly workweek will automatically be increased to 54. There are three such wage agreements that I know of in my district that affect some 700 or 800 employees that have never before been able to sit down across the table and negotiate with their employers for a wage agreement. So, if we relax the hourly provisions, we will merely create more unemployment, and we will force an additional burden on a million and a half or two million workers who are now being protected.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. WOOD. I yield to the gentleman.

Mr. HEALEY. Does the gentleman think that white-collar workers receiving $150 a month ought to be exempted from the hour provisions of the act?

Mr. WOOD. I do not think the so-called white-collar workers, just because they are called white-collar workers, should be exempted, whether they receive $150 or $200 a month. The bank clerks and many other so-called white-collar workers are among the most sweated people in some instances. There is no industry that requires its employees to work longer hours than some bankers require their bank clerks to work. They should be privileged to be protected by this Fair Labor Standards Act.

Mr. HEALEY. Just one question further, if the gentleman will permit.

Mr. WOOD. I will be pleased to yield to the gentleman.

Mr. HEALEY. And such an exemption would defeat one of the purposes of the act, namely, the spread of employment, would it not?

Mr. WOOD. Of course, it would. I am glad the gentleman contributed that. The main purpose of the Wage and Hour Act is to spread employment, to bring more enjoyment to those underprivileged, and raise their standard of wages to somewhere near a living wage.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. ZIMMERMAN. I live in a district where there are small banks, and I do not think any bank has much more than $100,000 capital stock. I have a great number of young men who have entered the banks with a view of learning the banking business who have told me that under the operation of this law they did not have the opportunity of learning the business, but were required to do a specific job, which they were employed to do. They stated to me that unless this law was changed they would have to go out and find something else to do, because there was no future in banking if you are going to post a machine all of your life.

Mr. WOOD. Oh, that is a stock argument that I have heard for 20 years before I came here, before the Missouri State Legislature, when we were going to pass a woman's 9-hour law. Since that time we endeavored to pass a woman's 8-hour law. Invariably the manufacturing associations, the State chambers of commerce, would bring a number of women to the legislature who would beg to be allowed to work 9 hours a day, and they would also say that if they passed this 9-hour law it would destroy their business. They have been working 8 hours for the past 7 or 8 years and they are still doing business at the same old stand.

Mr. ZIMMERMAN. I bring this point up, not because it is a stock argument but because young people in my district have come to me and called attention to it and they have protested against the regulations which prevent them from making progress in banks. That is the only reason that I mention it.

Mr. WOOD. I would not be so seriously opposed to that amendment standing alone.

Mr. ZIMMERMAN. I am very glad to hear the gentleman say that, but to pass that amendment together with the homework proposition and the relaxing of hours of the workweek, relaxing the law for a million and half workers in processing industries, would be wrong. To require them to work more than the required workweek under the law is wrong, and we should not encourage home work.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SACKS. Is it not true that after all, these arguments are merely subterfuges by those who would like to destroy the principle behind the legislation?

Mr. WOOD. They are merely subterfuges.

Mr. SACKS. Which the employers are merely setting forth because they do not want that principle established, but they want to go back to the old days where they could control the hours and the wages and everything else.

Mr. WOOD. I would say to the gentleman that a great many employers in my district who were in opposition to the wage and hour law before it was enacted, are now in favor of the law. Many of the garment manufacturers in my home town and in other places in the district, and other manufacturing institutions, have come to me and have said that this law is a benefit to them, because it has enabled them to compete with cheaper districts in the South and other places, and it has enabled them to carry on their business and now they are for the Fair Labor Standards Act. They are the very same manufacturers who wrote to me 2 years ago saying they were against the law. They are importuning me to protect the law as it is.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I think I can speak on this bill probably as a man closer to the soil than most of the men here. Speaking of exemptions from the wage-hour law, Puerto Rico, I notice, shall have a complete exemption under the proposed legislation. That has been made possible, I understand, because of a $150,000 lobby. It so happens that the farmers in the Federal Land Bank of Baltimore are also carrying along Puerto Rico. This is unfair. We can find the answer to our problem in the application of just plain common sense.

I am very happy to know how many friends farmers have here on this floor who live in the heart of the great cities.

I wonder how many of them ever stood around a cannery in the evening with a load of corn, peas, beans, or tomatoes when the whistle blew to find that they had to let their load stand there, go home, and come back the next morning to find that the load of produce had heated or the tomatoes rotting, and take heavy dockage, which was a serious loss.

I wonder whether they know that we farmers harvest only once a year.

I wonder if they know how light tomatoes are when they sell for $1 a bushel and how heavy tomatoes are when they sell for 10 cents a bushel.

I wonder how many of them ever had cattle or hogs in the stockyards on a Monday when the run was double the normal run, to find that the wage and hour law prevented a packer from buying more than he could use; to have their livestock lying around at the yards for several days until the packer could adjust himself and use them and find that they had a heavy charge for corn at $2 a bushel, or hay at $40 a ton, regardless of market price. To find that they had a terrific shrinkage in weight, and, in many cases, particularly in hogs, some deaths, until the packers could take them at $1.00 per hundredweight near the week end.

These things could be amended by minor amendments to this law.

An exemption in the hours would help here.

Then there are thousands and thousands of piece workers, particularly in the cigar industry, who always work on a piece-work basis. If they had an exemption on wages the fast worker would have the privilege of really going ahead and the slow worker would have the opportunity to keep at his job and off of relief.

Area of production has always been a thorn in the flesh. No one seems to know where to draw the line.

Here, again, the application of common sense would help.

These farm commodities are generally the property of the farmer until—as in the case of milk it goes into the bottle; and in the case of livestock it goes into the cooler; and in the case of farm crops when they enter the package or state in which they are finally passed on to the consumer. It then leaves the farmer's care and his interest and becomes a commercial product, and its entire status changes and then, and only then, can it enter into any kind of a market and transaction without affecting the farmer.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I have not the time. Secretary Wallace is tremendously interested in this bill. Why was he not interested last summer when we were threshing our wheat and selling it at 60 cents a bushel? When we farmers wanted to hold it he was shouting surplus and urging us to sow less, and killed our beliefs that we could get more, and just as soon as it passed out of the farmer's hands we saw that price advance. Today wheat is selling above a $1 a bushel—when the farmer has none to sell.

Now it does not make any difference under what administration or what rule a farmer loses money. He is just simply licked.

I remember when I put 6,000 pounds weight on a bunch of steers and sold them for $40 less than first cost. That was under Hoover. But I remember that in 1937, when the New Deal had pegged up the price of beef to where the consumer began to squeal and we farmers had loaded up with fat cattle, that at the instigation of the Department of Agriculture here in Washington a meat strike was declared and 5,000 butcher shops closed in New York in a single night, and we lost again.

Now, it does not make any difference whether a farmer losses $1,000 under a Republican administration or whether he loses $1,000 under the New Deal. The cold fact exists—he is licked.

What the farmer needs today is encouragement and an opportunity to produce, and the American market.

When times are hard and prices are low the farmer does not put into effect the John Lewis method of striking. He has a lot of fixed obligations to meet. He is an honorable man, and the lower the prices get the harder he works, the more he plants in order to meet his obligations. Knowing full well that it does not get him a single dollar to put in the bank, but just to keep his credit good so that he can look his creditors in the face and feel happy.

It is not the Department of Agriculture or the New Deal that keeps the farmer in his job. It is his abiding faith in God—his loyalty to the Government—his love for his work, and the eternal hope that next year will be better.

If the farmer was not kept at his work by these high motives, he and America would starve.

The Labor Committee, of which I am a member, operated for many months under a determination to do nothing. And refused to hear the appeal of the agricultural leaders of the country. More time was spent listening to the lobbyists for the New Deal—paid employees of the Government, who claim that their calendars were so full that they needed increased personnel to catch up. They always had time to crowd the Labor Committee and help the leadership to stagnate our work.

How well I recall that the leadership of the committee declared that no bill could go out of the committee before that "pack of wolves"—meaning this House.

There is no man in this House that believes more in labor unions than I do. There is no man in this House that wants to see the American working man receive higher wages any more than I do. But I want those same opportunities afforded to the farmers of this country.

I know that $1.50 a day is not enough for the working man. But here again I would employ common sense, and if it is the case of $1.50 a day or nothing, then I am for the $1.50.

These workers in our canneries that work a few weeks or a few months each year are not concerned about hours. They are usually occupied at some other things most of the time and look forward to this opportunity each season to earn money on the side to pay their winter's coal; buy shoes for the children, or pay rent, and so forth. And while we are told that they are sacrificing, they are willing to sacrifice in order to get that. These are honest, hard-working people, good at heart, and willing to make what they can and resent being interfered with or this privilege taken away from them.

The application of just plain common sense, a few minor amendments to the wage and hour law, will remedy the evils that I have referred to.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. CRAWFORD. I point out in connection with the gentleman's statement about Puerto Rico that Puerto Rico has about 1,800,000 people down there, and that in the last 5 or 6 years the Treasury of the United States has forwarded $160,000,000 to that island. There are probably 250,000 workers who are out of jobs today. The Wage and Hour Act put about 70,000 people out of work. You will either let the Puerto Ricans work for themselves or feed them from the Federal Treasury and place the burden on the backs of the farm people of this country. Which does the gentleman want to do? The lobby had nothing to do with that. The Congress of the United States failed to carry out its duty to the Puerto Rican people.

Mr. GROSS. I was in Puerto Rico last fall and I do not believe all the money we could appropriate, whatever we do, will help those people.

Mr. CRAWFORD. Let them go back to work and help themselves and quit feeding them out of the Treasury of the United States.

Mr. GROSS. That is right.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mrs. NORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. BRADLEY]

Mr. BRADLEY of Pennsylvania. Mr. Chairman, I am sorry there has been so much sectionalism introduced into the debate on this bill. I deplore the fact that the gentleman from Georgia [Mr. Cox] yesterday discussed the pending legislation from a sectional standpoint. I do not intend to say anything that would in any way inject any bitter sectionalism into the debate upon this bill. There are too many Members of this House from the same section of the country as the gentleman from Georgia who have been kind and generous to me in my associations with them as a Member of this House. Too many of them have given me their friendship to permit me to say anything that would give personal offense to them. The chairman of my own committee, the Naval Affairs Committee, Mr. VINSON, is from the same State as Mr. Cox, and he has been more than kind in extending cooperation with regard to matters of interest to the people of my city and my district.

Secondly, I do not think this is a sectional issue. We have as many chiselers in the industries of Pennsylvania as there are in any other State in the Union.

I must, however, pay some attention to the remarks of the gentleman from Georgia [Mr. Cox] when he discussed the political complexion of this House in his speech of yesterday. He said the House was composed of Republicans, Democrats, and so-called Democrats. I infer that he places those of us who defend the wage and hour legislation in the classification of "so-called Democrats." I do not know what claim he has that his democracy is more simon pure than ours. I know that I and many of my colleagues from the eastern industrial States have been Democrats for years in districts where it was impossible for us to seek political office with any chance of success.

The gentleman from Georgia [Mr. Cox] has been a Member of this Congress for some 15 years. I do not want to quarrel with him about his democracy, but I wonder if he would have been a Democrat if he were geographically situated differently during those 15 years. I wonder if, for instance, his democracy would have stood the test the same as ours has, when we were willing to battle for the ideals and principles of Jefferson and Jackson, knowing that we had no hope during those years of reaching a position wherein we could look for reward in holding political office, because there was no chance of our being elected to one.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. No; not now. I think perhaps because the philosophy of the gentleman from Georgia is so much different than ours, if he were in our locality, perhaps he might have found that his views were more in sympathy with those who control the Republican Party in our State. If so, he would find himself in the company of Mr. Pew and Mr. Grundy, president of the Pennsylvania Manufacturers Association, who is a bitter opponent of wage and hour legislation; and if he found himself in the political company of those men he would, I fear, have to accept all their philosophy, too.

Mr. COX. Will the gentleman yield to me?

Mr. BRADLEY of Pennsylvania. Not at the moment. The gentleman had an hour yesterday. I have only a few minutes.

Mr. COX. I was wondering if the gentleman assumed to speak for Pennsylvania democracy?

Mr. BRADLEY of Pennsylvania. I am speaking for my own democracy and the democracy of many of my colleagues from Pennsylvania, and it has stood a more severe test than has the democracy of the gentleman from Georgia [Mr. Cox]. [Applause.]

I am not going to discuss this thing along sectional lines, because, as I said, there are just as many chiselers in Pennsylvania as there are in Georgia, North Dakota, North Carolina, or anywhere else in this Nation. If there were not, we would not need any enforcement agencies in the State of Pennsylvania. God knows, we need more inspectors and investigators to prevent these exploiters from chiseling in Pennsylvania than we now have. That is the reason why I favor the wage and hour law; why I view with apprehension any attempt to emasculate it in order to return to the conditions which existed prior to its passage. I want to tell you ladies and gentlemen of this House that you make a mistake if you think the sentiment of the people of this country, no matter whether from the East, the South, the North, or the West, is not for the wage and hour law. The Gallup poll of a year ago showed that 71 percent of the people of the United States approved of the Wage and Hour Act. It showed that 56 percent of the employers were in favor of it, and showed that 59 percent of the people in the southern part of the United States favored the wage and hour law.

The Barden amendment is designed to help agriculture. I do not question the motives of the gentleman——

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. Not now.

Mr. SCHAFER of Wisconsin. On the Gallup poll; the gentleman is wrong.

Mr. BRADLEY of Pennsylvania. I only have 10 minutes, I do not think so. I have correctly stated the Gallup poll on this question.

The amendments of the gentleman from North Carolina are designed, he says, to aid agriculture. I do not wish to question his motives, but you and I know it is merely going to open the door; it is going to throw it wide open.

It is going to lead to emasculatory amendments or to amendments that will nullify many of the provisions of the present act. I ask you men and women of the House, Democrats and Republicans, to face the situation squarely whether you favor 30 cents an hour or whether you favor a return to conditions which enable the exploitation of employees and the forcing of men and women to work for longer hours and at wages of 5, 10, and 15 cents an hour. I hope the answer of the membership will be that this Congress will not turn the people back to these wolves but that they will be allowed to have the continued protection of this beneficial law, that industry in all parts of the country will be on an equal basis and that all employees will receive fair consideration.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield if I have time.

Mr. KEEFE. Does the gentleman favor the enactment of the Norton amendments?

Mr. BRADLEY of Pennsylvania. There may be certain of the Norton amendments which have merit. I believe the Norton amendments should be discussed on their own merits, each and every one. I certainly do not favor the Barden amendments. There may be some necessary changes that we should make with regard to certain provisions of the wage-hour law, but we should approach it with the idea of ironing out the known difficulties that exist and not with the intent of allowing conditions to revert to their former state where exploitation was rampant in certain industries.

Mr. KEEFE. I agree with the gentleman's philosophy, but can he point out what there is in the Norton bill that he objects to specifically?

Mr. BRADLEY of Pennsylvania. I have not said I object to anything specifically. The gentleman asked me if there was any merit in the Norton bill.

Mr. KEEFE. I asked the gentleman if he favored the Norton bill.

Mr. BRADLEY of Pennsylvania. At the present moment I cannot say that I favor each and every provision of the Norton bill, but as the debate goes on and I hear different provisions explained I may be influenced one way or the other. I want to be fair, but I want to see the law continued in

operation because it has brought good to the low-paid workers of this country.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield.

Mr. SACKS. Yesterday in the debate the impression was given to the House that business, little business, was opposed to the wage-hour bill and to the Fair Labor Standards Act. Is that true?

Mr. BRADLEY of Pennsylvania. That cannot be true because I have received more communications from businessmen in my district emphatically saying that they favored the wage-hour law than I have from labor organizations. And these have come from many men who originally had stated their opposition to it. They have seen its beneficial effects, however, and are now giving their active cooperation, and they have united with labor in supporting it.

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, this matter has been threshed over pretty thoroughly. I shall not attempt to begin at the beginning and follow through with what might be termed an "orderly discussion of the whole issue," but later will call your attention to certain things which I think stand out in this controversy. At the risk of being charged with bad taste in bringing in my own personal experiences—let me say that my business is farming—and with a little better luck than I have had the last 6 or 7 years, I hope to stay in it the rest of my life.

I have watched these industries engaged in the processing of agricultural products for 40 years. It has fallen to my lot to be deeply interested in them, because I sell products to them in my home neighborhood. When the proposal was first made that we should have a so-called wage-hour law, I doubted that it could ever be successfully enforced or applied evenly to the whole United States, regardless of the character of the vocations in which people are engaged. There is such a remarkable difference between the method of life in the country and the method of life in the city and in the industrial centers that I doubt if it is possible for any legislative body to draft a law which will place all of those vocations and occupations in a single strait jacket. My dread from the beginning of this discussion, which started about 3 years ago, was that the attempt to enclose all these people, all these groups, all these communities in a single strait jacket would develop conditions unexpected and inflict injury in places which most people did not realize could be injured by the enactment of the law.

There can be no doubt about it that the Congress, when it passed this act, intended to exempt from its provisions what I might term "the country industries," the industries in the rural districts, or closely adjoining the rural districts, engaged in the processing of agricultural products. The language of the act made perfectly plain the intent of Congress. It provided, in effect, that the act shall apply—

> To any individual employed within the area of production as defined by the Administrator engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for markets or in making cheese, or butter, or other dairy products.

Most of you are familiar with the interpretation made by the Administrator of the phrase "area of production." He defined it in effect as meaning the farm upon which the agricultural products were produced. If the plant at which the man was employed was not situated on the farm upon which the crop was produced, then the plant should not be exempt. That, of course, completely destroyed the intent of Congress. I think no one will deny that. It denied the whole exemption with one stroke of the pen, and the Members will remember that when that interpretation was announced protests spread throughout the country districts and reached many Members of Congress, and many Members from both sides of the aisle hastened to Mr. Andrews' office to endeavor to point out to him the intent of Congress and how his interpretation absolutely destroyed it. Hearings were held before him or some of his examiners, but no ground was gained apparently until finally an amended interpretation was brought out. I shall not read it all to you, but it is headed "Area of production as used in section 13 (a) of the Fair Labor Standards Act," and it proposes to exempt from the operation of the law a person if he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment shall not exceed seven. Of course, again, that denied exemption to any establishment worthy of the name. If they must be down as low as seven employees, then I could not find an establishment within 20 miles of my farm that could handle the crops I want to sell to them and have processed. What the number of employees has to do with area of production passes my comprehension. The Congress did not say anything with reference to the number of employees as the guiding rule, but he makes it the guiding rule. If the plant employs eight men it is subject to the law. If it employs less than seven it is not. As a matter of fact, you cannot find plants worthy of the name that operate with so few employees.

I greatly regret that the Congress or the men interested in this matter should find it necessary to bring before the House a piece of legislation like the so-called Barden bill. The author of that bill and those who helped him have perforce tried to make up a list or catalog of those avocations or industries, great or small, which shall be specifically exempt under certain circumstances. The author of the Barden amendment had to have recourse to that type of bill because apparently no matter what the Congress intended in the original act, the Administrator does not intend to admit it. He just throws it out. He has done it twice. That is perfectly apparent. So while some of us may regret, as I do, the procedure under which we are acting, those of us who are convinced that this thing is doing a great injury, and certainly doing no good anywhere upon the face of the earth, and I refer to these rulings, have no other recourse; thus we have to bring to you a list of these industries engaged mostly in the processing of agricultural products and ask you specifically to exempt them under certain circumstances. So much for the cause of all the disturbance. The whole disturbance, if I may say so, or nearly all of it, has been caused by the Administrator. I dare say that the author of this bill was just as much surprised as I was by his interpretation of the words "area of production."

Mr. PATRICK. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Alabama.

Mr. PATRICK. Does the gentleman feel that the Barden amendment defines "area of production" or does the thing which gets away from the necessity of defining "area of production"?

Mr. WADSWORTH. The Barden amendment does not refer to any "area of production." We do not dare do so. The Administrator has destroyed it twice by his interpretations; so we have abandoned any effort to use the phrase "area of production." The Norton bill, I notice, uses a most peculiar phrase that some of these people shall be exempt from the operation of the law if the products are processed "immediately off the farm." Who in the heavens knows what that means? What is "immediately off the farm"? I do not know. I suppose 1 foot away, perhaps 10 feet away, perhaps the adjoining farm only, not the second adjoining farm. Nobody can tell.

Mr. WOOD. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Missouri.

Mr. WOOD. Does the gentleman believe there is any method by which you can define "area of production"?

Mr. WADSWORTH. Yes.

Mr. WOOD. I would like to have the gentleman's views on that.

Mr. WADSWORTH. I had not intended to go into that.

Mr. WOOD. We have been unable to do it or to arrive at any conclusion in the last 2 years and I would like to have the gentleman's views on that.

Mr. WADSWORTH. I had not intended to inflict this on the Committee. I really preferred to omit it in the interest of brevity but on June 13, 1939, I took it upon myself to write a letter to Mr. Andrews, Administrator, protesting against his first interpretation of the term "area of production," and after reciting the act as it stands, including the phrase "area of production," I went on to say:

Omitting any discussion of your exemption of persons employed in plants with less than seven employees, which exemption has nothing whatsoever to do with area, but rather the mere size of the plant, let me take up for discussion as briefly as possible the meaning of the phrase "area of production," and the intent of the Congress in using it.

The debate in the House of Representatives, held at the time when the matter of exemptions was before that body (May 24, 1938, CONGRESSIONAL RECORD, pp. 7401 to 7423) is illuminating in the extreme. A reading of that debate makes the intent of the supporters of the exemption and, finally, of the Congress itself in enacting it, perfectly clear. Several amendments relating to the exemption of persons employed in plants, processing agricultural products of one kind or another, were offered upon the floor. While these particular amendments were not adopted, nevertheless the language in which the exemption was expressed in the final enactment of the bill carries out almost exactly the intent of the amendments considered in the House, so that the explanation of those amendments during the House debate and the contentions of their supporters throw a very clear light upon the intention of the Congress in finally enacting paragraph 10 of section 13a.

Let us see what the Members had in mind when they offered these amendments, and what the Congress had in mind when it finally approved the contention of these same Members by enacting the language of paragraph 10. Member after Member, in referring to conditions prevailing in country districts, explained the intimate relationship which must ever exist between the farmer who produces and the neighborhood plant which processes certain products of the soil. While it was not contended that the farmers in any way own or control the neighborhood plant, it was pointed out again and again that governmental regulation of the plant would and must have an immediate and direct effect upon the farmer. The customs and practices of the farmers, and the customs and practices of the plants, the subjection of both to weather conditions, the fact that the work of both is seasonal, were all pointed out. Moreover, labor conditions in the plants were described in some detail and the near impossibility of the regulation of hours of labor (including overtime) pointed out. All of these amendments and the pleas of their supporters were based upon the contention, first, that there is no need whatsoever, from the standpoint of good public policy, to include these country plants under the provisions of the act; and, second, that their inclusion would be highly injurious not only to the plants but to the farmers themselves. In adopting the language found in paragraph 10 the Congress very clearly intended to exempt the typical country canning factory, refrigerator warehouse, milk plant, bean-picking plant, and similar rural institutions now in existence and serving in the normally and generally understood way the men who till the soil. In using the words "area of production" the Congress envisioned a stretch of country from which the farmer normally, and in obedience to his necessities, hauls his crop to the plant where it is to be processed. The picture which the Congress had in mind can be found in the rural areas all over the United States. The picture is essentially that of a neighborhood, and when the Congress used the phrase "area of production" it used it as descriptive of the circumstances and conditions with which it intended to deal. That this picture has not been envisioned by the Administrator, that this intent has not been recognized by him, is a matter of great surprise to all of us who took part in those discussions in the House. It has been more surprising to me, due to the fact that my business is farming; that I raise sweet corn and peas, and sell them to the neighboring factory; that ordinary common sense drives me to the conviction that my farm, upon which the sweet corn and peas are raised, is situated in the area of production surrounding the plant. If my farm is not in the area of production, where is it?

I do not know. It does not make any difference how many men are employed in that little factory up there. Of course, there are more than seven men employed. It makes no difference how many men are employed. The question is, Is the factory in the area of production of the goods? The Administrator could have gone around this country, region by region, with no reference or attention paid whatsoever to the number of people employed in a plant, and he could have described the regions by metes and bounds, or in some other way. Finally, after experience, running perhaps over some few years, he could have worked out a reasonable interpretation of what "area of production" was, instead of which he destroys the whole thing above the seven-man limitation.

I have done my best to give you my ideas as to what the definition should have been. I have answered the gentleman's question to the best of my ability. May I proceed with an attempt to show the practical effect of this thing?

In the first place, let the men who live in the great cities and industrial centers get it out of their heads that there is any sweat-shopping in these country plants. There is no such thing as sweat-shopping there. There is no such thing as chiseling or oppression of labor. How do these plants run? There are five canning factories in the valley in which I live. They can peas, sweet corn, tomatoes, carrots, beets, spinach—yes, spinach—succotash, and lima beans. The plant that has run the longest over the past 10 years has averaged only 20 weeks a year, 20 weeks out of the 52. The average of the remaining four is only 14 or 13 weeks a year. There is no sweat-shopping about it. The conditions of labor are exceedingly healthy. Most of the work is done in open-sided sheds. The work is not heavy. Nearly all the heavy work is done by machinery. If you ever go through a vegetable-packing plant you will see that uncanny machinery does nearly all the work.

The time comes, however, when a crop becomes ripe. The sunshine has been bright and hot for a couple of days. The superintendent of the factory, who must be an expert on the condition of crops as well as an expert in the management of the plant, sends word to me, "WADSWORTH, we will have to have your peas cut and brought to the factory by day after tomorrow. They are getting ripe, and they must not go beyond day after tomorrow."

What do I do? I have to hustle. Perhaps I have to hire a couple of extra trucks. Those peas are mowed with a mowing machine and pitched green on the truck and hauled to the factory. Twenty to fifty other farmers get the same message. Obviously the factory cannot schedule them on a 40-hour week. It cannot be done. There are times, 2 or 3 days in a week, occasionally, when they have to go beyond the normal workday, and everybody in the factory understands it. They are all country people. They know that the sun and the wind and the rain are our masters. They make no complaint about working overtime. They rather welcome it, because they get more money in their 14 weeks' period of work. There is nothing oppressive about it. And it has to be done.

Would any opponent of the Barden bill insist that agriculture itself go on a 40-hour week? Think it over. Can anybody run a farm on a 40-hour week, doing no work at all on Saturday or Sunday and only 8 hours on the other 5 days? Let us not be silly. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Chairman, being a member of the Labor Committee since 1933, I have served with Billy Connery through the hearings on all the acts which have been enacted. The Labor Committee at that time, the same as today, at least certain members, feel the same way, that the act should not be amended. I realize that there are certain portions of that act which could be corrected, but with the attitude of the House what it has been shown to be just a little while ago, in cutting down the appropriations for enforcing this act, I personally cannot see any reason why we should not vote down not only the Barden amendments but all amendments.

The act itself has not had time to prove where the inequalities are. Industry, of course, wants the act to be emasculated, that is, certain portions of industry. They not only have not complied with the act but they have carried cases to the Supreme Court, and when they lost there they have still refused to comply with the act.

Only last Saturday, April 20, a headline in the Washington Times-Herald stated very plainly—

Brutality laid to Ford firm by N. L. R. B. aide—Union men beaten and threatened, he says.

The Washington Post, in a headline the same day, stated—

Ford chiefs fought unions, aide tells N. L. R. B., charging "brutality"—Examiner urges rehiring of two after Dallas hearing.

At the bottom of the article appear certain questions which were put to the attorneys of the Ford Motor Co. and some of the men who are in charge of the plant. They are as follows:

Question. What do you mean, "Gave them a working over"?
Answer. We would whip them; beat them up.
Question. With what?
Answer. Put the fear of God in them, as they put it.
Question. What would you whip them with?
Answer. Some with fists, some with blackjacks.
Question. Anything else?
Answer. One or two of them we whipped with a regular whip we had made out of rubber with cord and some of them—one of them—was whipped according to whether we thought he could take it or not, with brushes off of trees, limbs.

Then at the end of the article is a statement by the Ford attorneys.

Mr. Chairman, I happen to have the Ford motor plant in my district. I happen to know certain things about their service department. First, when this act was enacted, the Ford Co. organized a company union. That did not work out.

In answer to the attorneys from Dallas, Tex., who are defending the Ford Motor Co., I will state that when this act became law one of the first companies who refused to abide was the Ford Motor Co. They attempted to organize a company union, which, of course, the law forbids, and then they organized another union called the Liberty League, which was organized by Judge Leo Schaefer, who did all of the attorney work for this organization, under the direction of Harry Bennett, of the Ford Motor Co.

During the campaign last fall, when the judge was running for reelection, there were many rumors circulated that he organized the Liberty League, and where did the money disappear? It has also come out through the campaign that the money was handled by Harry Bennett's brother, and about $90,000 was supposed to have disappeared. This alone shows what the Ford Motor Co. has attempted to do as far as the act is concerned.

Harry Bennett heads the service department of the Ford Motor Co. and many of his service men are disbarred attorneys, convicts, and anyone who could be used to intimidate labor. These men are used to spy on the workers, and if any of them attend a political meeting which is not to the liking of the Ford Motor Co. or Mr. Bennett, they are discharged from their employment by merely being told that their department is being shut down and that they will be called back to work later, but they are never called back. They even go to the extent that if a man attended a labor meeting, they would immediately brand him a Communist, and if a man carried the name of Communist in the Ford Motor Co., he is unable to get a job anywhere else because the employment departments of other companies interchange their data on their employees.

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Mr. Chairman, this is not the Wagner Act or the National Labor Relations Act, it is the Wage and Hour Act, and labor is not divided on this act. The American Federation of Labor and the C. I. O. are against the Barden amendments to this act.

Before we begin to destroy the Wage and Hour Act let us forget about the leaders of our great labor organizations and think about the millions of wage earners in America. We jump on the poor American wage earner that makes 30 cents an hour. If you reduce these low-wage earners' pay 5 or 10 cents an hour, you will reduce farm income just that amount. It is impossible for him to buy many farm products at that wage scale.

It may not be consistent to have a wage and hour law when our American laboring men and farmers have to compete with cheap foreign labor. If I had my way, they would not have to compete with cheap foreign-made goods.

We lend millions to foreign countries to buy our goods. Most of these loans are never paid back. Why not spend some of these millions in solving the unemployment problem? We have from ten to twelve million unemployed today. At this rate, it will not be long until we will have fifteen or twenty million unemployed.

We should begin at the source of the unemployment problem. We should see that the youth of our land has the opportunity to become a skilled or semiskilled worker. This is one way to raise incomes which, in my estimation, is sound educational philosophy combined with economic sense.

Why jump on those poor workers who are only getting three square meals a day? Why not find a way to care for the other millions that are undernourished and ill-clad?

I would like to read you just one paragraph about the Norton amendments, which to my mind will take care of the agricultural situation. It sets forth in detail the operations in connection with the movement of agricultural and horticultural commodities from the farm, including their preparation for market, which are to be exempt from the hour provision of the act. This exemption is limited to 60 hours a workweek unless overtime compensation is paid except that for a period of 14 workweeks such hours exemption is complete and the 60-hour workweek limitation is inapplicable.

Indiana canners of fruits and vegetables would be placed at a serious disadvantage with respect to their competitors in Maryland, Virginia, and other States if the Barden bill should pass, as the canning industry in these States had a considerably lower wage scale prior to the Fair Labor Standards Act than prevailed in Indiana. It is to be expected that these substandard wage levels which prevailed prior to the act will be reestablished should this bill, granting complete exemption from the act's wage standards, became law.

Examples: Indiana canned tomatoes compete for a market with tomatoes canned in Maryland, Virginia, and Texas, and other States. Indiana cannery workers averaged more than 29 cents an hour in earnings in 1938 prior to the effective date of the act (October 24, 1938) as compared with 23 cents in Maryland, 17 cents in Virginia (1939) and 20 cents in Texas (1939). More than 92 percent of the Maryland tomato-cannery workers earned less than 30 cents an hour in 1938 as compared with 45 percent in Indiana.

Farm labor is exempt as long as the farmer engages in farming. The question here is whether a farmer is a farmer when he works in a canning factory or in an industrial concern. The strawberry farmer is exempt from the bush to the platform, and I would like to give my interpretation of "immediately off the farm." By "immediately off the farm," according to my opinion, is meant that the farmer would be allowed to cultivate and produce his goods and to pack them, take them to the packing plant, and, if a dozen farmers wanted to get together and pack the apples or pack the peaches or pack anything else, they would have that right under this law.

There is another question involved in all three bills, and that is the question of Puerto Rico. We grant a special exemption to Puerto Rico for wages and hours. Is it a discrimination between the farmers of Puerto Rico and the farmers of America?

Most of the canning people I have talked with are satisfied with the hour exemption, and they will stand for the wages.

The farmers in America today have to compete with W. P. A., which is on a higher scale than the Wage and Hour Act.

A situation that may come up in our district next year is this: Take a glass manufacturing concern, as an example, that works four 6-hour shifts, 7 days a week, making a total of 42 hours a week. That comes under the wage-hour provisions today, but next year if they change it back to 40 hours, there should be some leeway in the glass-manufacturing industry.

It is impossible to solve the farm problem by repealing the Wage and Hour Act. In my opinion, if you want to help the American farmers, you will preserve the American markets and let him alone and let him run his own business. [Applause.]

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. LANDIS. Yes; I yield.

Mr. AUGUST H. ANDRESEN. I am glad to hear the gentleman make that statement, but the way the laws are being

administered today, our farmers are being compelled to compete with cheap foreign labor that does not have any wage and hour law and, consequently, our farmers are being destroyed when they are forced to operate under the laws that we have in this country. I believe the gentleman will also agree that in addition to that protection, if we can get it, we should see to it that they have laws under which they can live and successfully operate in this country.

Mr. LANDIS. I thank the gentleman for his observation. I also believe, to be consistent with the wage and hour law, we should have a tariff to protect the American employer and the American farmer and the American employee against 25 cents a day labor in Japan or other foreign countries. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I now yield to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, in the past 7 years, under the Roosevelt regime, many constructive, progressive, and humanitarian laws have come into existence. One of these is the Fair Labor Standards Act. I take great pride in the fact that I had the opportunity of being one of the members of the Labor Committee who reported the measure to the House for consideration. I was happy when I learned that President Roosevelt had signed this bill. I was happy because I knew that such an act would go far in abolishing child labor and sweatshops throughout our country. Ever since its enactment, efforts have been made to change the act in order to give many big corporations exemptions from the law—in other words, permit them to operate their factories at a slave wage. The minimum wage—30 cents an hour—which is now provided in the act for employees is, in my opinion, insufficient compensation, nevertheless it has laid a foundation on which a permanent structure can be built. Prior to the enactment of this law it was known that many industrial establishments throughout our Nation paid as low as 5 and 10 cents an hour to their employees. These conditions were outrageous, especially in a country like ours, where there is a great abundance of everything that is necessary to promote the welfare of mankind. I do hope that instead of exempting people from this act that we will be able to perfect it by increasing the wage scale to that point where every man and woman who is required to labor for a livelihood will obtain an adequate wage.

Mr. RAMSPECK. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I am opposed to the Barden amendments.

They strike at the very heart of wage-hour legislation, which has for its purpose the setting of reasonable hours at reasonable wages in all industry.

The Barden amendments would strike out the working-hour limitations, and make it possible for an employer to work his employee any number of hours in a day without paying the overtime specified in our present wage-hour law. They would prevent that wider spread of work for which we are striving in all of our legislation.

Before coming to this session, I spoke with representatives of some of the large canning industries in my section.

In line with other enlightened employers, certain canners have worked out schedules so that they are able to operate on a 40-hour-week basis, except for a period less than 16 weeks each year, when they must work overtime in order to take care of perishable products. The present wage-hour legislation permits this necessary exemption.

As long as the wage-hour board sees fit to allow such necessary exemptions under the present act, together with present area of production regulations, these employers have nothing to gain by any such amendments as those proposed in the Barden bill.

The canners further advise that they have consistently paid higher wages than are required under the present wage-hour legislation. The minimum in one plant is 40 cents an hour. The average is 50 cents.

No matter what action is taken by Congress, these employers will not voluntarily go back to lower standards because they have proved to themselves that a fairly paid worker, laboring reasonable hours is a better investment than a poorly paid workman laboring excessive hours. They also have an interest in seeing that a maximum number of people in their communities are employed.

What the Barden amendments would do to all progressive and enlightened employers is easy to understand. It would place them in direct and ruinous competition with other less scrupulous canners in other sections who would have no hesitancy in taking every advantage of their exemptions from provisions of the Wage and Hour Act.

This is the situation in my district. It is much the same in regard to the entire State of Ohio.

The minimum wage rate required by the Wage and Hour Act is 30 cents an hour—while the act provides for the advance of this rate in 1945 to 40 cents an hour, there is no unconditional requirement that the higher rate be paid. It will not be required where the Administrator and industry committee find it to be burdensome.

In 1938 and 1939, the Women's Bureau of the United States Department of Labor made a survey of the wage rates prevailing in the canning industry. The results of this survey which are set forth in the Appendix of the RECORD, page 2265, show conclusively that the passage of the Barden bill would place Ohio canners of fruits and vegetables at a disadvantage with respect to their competitors in other States, where, prior to the Wage and Hour Act, wages were lower than in Ohio.

For example, in 1938, prior to October 24, the effective date of the law, workers in Ohio tomato canneries earned an average of more than 41 cents an hour.

Workers in New York, New Jersey, Maryland, Iowa, Indiana, and Illinois averaged from 5 to 11 cents less than Ohio workers. And no Ohio worker in the tomato plants covered by the Women's Bureau survey earned less than 30 cents an hour.

Other important tomato-canning States which compete with Ohio are Virginia, Wisconsin, Texas, and Florida, where in 1939, when the 25-cent rate was in effect, the average wage of tomato cannery employees was 17 cents, 27 cents, 20 cents, and 22 cents, respectively.

More than 15,000 workers are employed in the canning industry in Ohio. Other important industries, employees of which would be exempt from the act under the Barden bill, are the beet-sugar industry, the dairy-products industry, the poultry handling and dressing industry, and the livestock handling industry.

The State of Ohio and other States which are paying decent wages should not be made to suffer the loss of business to low wage competitors in other States.

The fact that the average hourly wage for tomato-cannery workers in many States in 1939 was considerably less than the 25-cent rate which the law required at that time either shows that the law was not being properly enforced or that the area of production exemption as defined by the Administrator is already excluding too many workers from the benefits of the act.

The Barden bill adds further confusion and infinitely worse discrimination to this already beclouded field.

In paragraph (F) on page 5, it seeks to exempt all seasonal or perishable canning operations from both hours and wages, but the drafting is so awkward that it falls far short of doing so.

If the Barden bill were limited to the packing of perishable or seasonal commodities alone, it is my understanding that some 35 percent of all foods canned would still be subject to the law. This would include the so-called dry lines and fabricated products. It is this 35 percent which is not subject to the whims of nature, but whose packing can be controlled by the canner.

So the wording of paragraph (F) puts, roughly, half of the perishable canning in the exempt class and the other half in the nonexempt class. Such a result has no reasonable justification.

Wholly apart from the question of whether such exemption should or should not be afforded, I think all will agree that no exemption should be written which would be dis-

criminatory in its effect. I am satisfied that to make the test of any proposed exemption dependent upon what is done in some other place, at some other time, is unwise and unfairly discriminatory.

To summarize, I believe that a bill which jeopardizes our aim of greater employment considerably hampers the efforts of those honest employers striving to realize this aim, and paves the way for uncontrolled discrimination in the matter of wages and hours is manifestly unjust to both employer and employee. I believe, Mr. Chairman, the Barden amendments should be defeated. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. RAMSPECK. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. KERR].

Mr. KERR. Mr. Chairman, the administrative Division of the wage and hour bill should be given more discretion in the promulgation of rules and regulations to meet the many problems involved in the enforcement of such a measure. The purpose of this legislation is fundamentally sound, but it is impossible to measure every case and problem with one standard yardstick. I shall support the Barden amendments because I am convinced that certain activities which involve the farmer and his income and which are seasonal and apply to certain areas should be exempted from this act, or such discretion given the administrators as to allow rules and regulations to be made in reference to these activities which would prevent unjust and foolish requirements.

I shall briefly call your attention to one of these unjust requirements under the present construction of this law. A small merchant living near my home in North Carolina, who owns some pine forest and who wished to have same cut and corded for sale to a pulp mill, contracted with local labor to cut same for so much per cord. Some of his employees, who were much more diligent than others, cut and corded much more wood and, of course, he settled with them, paying for the amount of the cordwood cut. The Wage and Hour Administration sent its representative down to see this merchant and told him he was violating the law and that he should determine the time engaged in cutting this wood and pay his labor 30 cents per hour, and also check his invoices and charge these laborers no profit on merchandise they had bought at his store during the time they were engaged in the performance of this contract. In other words, that the merchant and landowner had no authority to contract with this labor for the performance of a duty, and was compelled to pay the worthless labor the same price that he paid the diligent labor, if he works the same period of time. I recall another instance where a landowner contracted with a small sawmill operator to cut some timber owned by the landowner at so much per 1,000 feet. It was cut and the landowner sold and delivered it to a planing mill in his vicinity and in the State of North Carolina. Whether it was transported out of the State of North Carolina there is no way to ascertain except that the planing mill often shipped its products in interstate commerce. It is contended, I am informed, by the administrators of the Fair Labor Standards Act of 1938, that this landowner is equally liable for the wage hire of the laborers employed by the mill owner who cut this timber at the rate of 30 cents per hour and can be penalized if he fails to make good the schedule hour price under this law. Of course, this compels many hundreds of farmers, as well as small ground sawmill operators, to stop their operations and correspondingly many hundreds of willing laborers go upon the relief rolls.

The value of labor is determined not only by the time engaged but also by the result obtained. A competent laborer is worth much more than an incompetent one, and to attempt to standardize their pay by a work-hour only is unfair to a large percent of the labor as well as to the employer.

There should be vested in those who administer this act some discretion to meet and deal fairly with various circumstances which arise in our complicated industrial life. Those who are interested in the agricultural prosperity of this Nation have a right to demand that this industry should not always carry the financial burden which assures success for every other business. If you require that higher prices be paid to nonexpert and indifferent laborers who process our wheat, our corn, our dairy products, our tobacco and cotton, and various other agriculture products, then this cost is reflected in the diminution of the farmer's prices, and he alone pays the cost. I shall protest against this unfair and indefensible treatment as long as I remain in Congress. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, the House is now engaged in the consideration of one of the most serious domestic questions which has come before the Congress during this session; namely, proposed amendments to the Fair Labor Standards Act. The rule adopted for the consideration of this question permits action on three measures which seek to amend the so-called Wage and Hour Act. Under this unprecedented rule, one set of amendments, the so-called Barden bill, comes before us without ever having been acted upon by the standing committee of the House which has jurisdiction over such matters. It is to this bill that my remarks are addressed because I believe that its provisions are destructive of the basic principles of the wage and hour law. In addition to sweeping exemptions from the protection of the act, the Barden bill provides for changes in administrative procedure which would cripple the effective operation of the Fair Labor Standards Act.

In the self-assumed role of defenders of the "traditionally free American farmer," a logrolling combination of lumber operators, canning and packing interests, and dairy-product processors are seeking, through the Barden bill, to deprive over a million American workers of the protection of the wage and hour law.

It would appear from the broad contentions of the proponents of the Barden bill that an intolerable burden is imposed upon American industry by the wage and hour law. Let us consider what is roughly the sum total of the protection provided by this act to the American worker. The law provides for a minimum hourly wage of 30 cents and a maximum workweek of 42 hours. If the worker is employed for the full week, he is guaranteed that he must be paid a minimum of $12.60 for 42 hours of toil.

It is estimated that, under the Barden amendments, over a million workers will be deprived of the protection of the wage provision and over a million and a half workers will be denied the benefits of the hour provision. And let me point out, in this connection, that in most instances these processing workers do not enjoy year-round employment but only employment of a highly seasonal character, and in many cases the work is only of a few weeks' duration.

It should be noted that the law already specifically exempts agricultural workers from the terms of its provisions and the farmer is in no sense subject to the present law. However, I believe that the American farmer has a very vital interest in defeating the Barden amendments. Any loss of purchasing power by the masses of the American workers directly curtails the farmer's market for his products. The class of workers sought to be excluded by this bill spends, according to statistics and estimates, half of its pay in purchasing agricultural products and any loss in his income is immediately felt by the farmer whose products he can purchase in only reduced amounts. The farmer, therefore, stands to lose as much by this assault on the protection afforded by the Fair Labor Standards Act to his brother in the industrial plant as does the industrial worker himself.

The purpose and net result of these amendments will be to exclude from the protection of this law great masses of workers who are employed in the advanced stages of processing and preparing for markets agricultural products. These persons work in establishments that are essentially industrial in character. Their problems and conditions of employment are virtually in all respects equivalent to those of any other factory worker. Throughout these establishments

run the conveyor belts and the assembly-line technique which is characteristic of modern industry and manufacture. In no substantial sense can these workers be considered as having anything to do with farms or with the actual process of farming. It is impossible to find any reasonable line of distinction between these workers and persons engaged in work on any other normal factory assembly line.

In the *North Whittier Heights Citrus Association case* (109 F. (2d) 76) the Circuit Court of Appeals for the Ninth Circuit used the following language:

> When the product of the soil leaves the farmer, as such, and enters a factory for processing and marketing, it has entered upon the status of industry.

It would seem, therefore, that there is no sound and substantial reason for discriminating against these persons and denying them the safeguards of the act. On the contrary, it seems clear that they are the persons who are most in need of its protection; and I believe the real question involved in the Barden amendments resolves itself into this: Is $12.60 a week too much for over a million American families to subsist on?

Yesterday the gentleman from Georgia [Mr. Cox] occupied the floor for over an hour after the previous question on the rule had been voted down. He attempted to defend the extraordinary, unprecedented, and autocratic action of the Rules Committee in bringing a bill before this House for action which had not received full consideration by the proper committee and for which no rule had been asked by a vote of that committee. This arbitrary and arrogant usurpation of the functions and prerogatives of a standing committee of this House was motivated solely by the desire to effect emasculation and destruction of the wage and hour law. The gentleman—for whose ability I have the highest regard—injected into the debate a sectional issue, and stated, in effect, that established industrial sections have attempted, through legislation of this type, to stifle the industrial growth of the South. I cannot believe that the abolition of the sweatshop and starvation wages is a sectional question or that the people of the South are less concerned with the elimination of the evil than are the people of the rest of the Nation. Yesterday I asked the gentleman whether it was his contention that the development of industry in the South depends upon cheap wages and long hours. The gentleman replied:

> Well, I want to say to you that your sections of the country have certain advantages that make it impossible for us to compete with you on an absolutely even footing, and you are undertaking to take away from us the natural advantages that we have.

Mr. Chairman, since the Fair Labor Standards Act seeks only to abolish the exploitation of labor on starvation wages, unconscionably long hours of work, and sweatshop conditions of employment, it is fair to assume that these are the "natural advantages" to which the gentleman refers.

I cannot agree with the gentleman that the future of Southern industry—or of industry in any section of the Nation—is inextricably bound up with unconscionable labor standards. I am inclined to believe that the people of the South as well as the people of other sections of our Nation would class such conditions as a liability rather than an advantage—a blight rather than a benefit. Certainly such conditions cannot be considered as an advantage to the million or so employees who are sought to be denied the protection of this act by the proposed amendments. I doubt that the employers in the South who maintain decent standards consider sweatshop competition as an advantage. And it is difficult to see how any community benefits by an industry which is unwilling to pay its workers a wage sufficient to provide the barest means of subsistence. Certainly it cannot be said that a weekly wage of $12.60—which is the minimum wage established under the terms of this act—constitutes any more than the absolute minimum necessity to sustain life, if, in fact, it amounts to even that. It seems to me that an industrial establishment which is unwilling to pay the barest sort of living wage is a scourge to the community in which it locates—tending to pre-empt genuine progress and development in that community because it got there first.

New industries are developing in the South which will bear an important and integral relationship to our national economy. The industrial interests of the North, South, East, and West are not in conflict. Each of these sections enjoys certain natural advantages which will enable it to fill an industrial function which is complementary to those of other sections and not antagonistic to them. Sweatshop conditions, starvation wages, and labor exploitation have no rightful place in any section of this great Nation and constitute an evil which should not be tolerated by the people of our Nation.

It is generally recognized that the most serious defect in our national economy is in the failure of purchasing power to keep pace with the productive power of our Nation. This is one of the major causes of unemployment and was the principal cause of the disastrous economic collapse of 1929. There was no lack of ability to consume the products of industry and agriculture in this country, there is only an inability to buy those products. It is recognized that the primary need of American economy is a restoration of the power of the American people to purchase the products of the farm, mine, and factory. The problem of unemployment as well as all other economic problems hinge on this fundamental problem—restoration of the power of the people to purchase what they produce.

And yet these amendments run directly contrary to that need. Their direct result is to reduce the purchasing power of approximately a million persons now employed, persons whose wages go directly into the economic channels of our Nation because they are necessary to purchase indispensable products of the farm and the factory.

If this initial assault is successful, I believe that a full-fledged offensive will be launched on all fronts, having for its objective the complete destruction of the protection furnished by this act to American labor and to American purchasing power. This will be the beginning of a campaign to unleash again upon American industry the sweatshop, labor exploiter, and saboteur of purchasing power.

In the American market, the decent employer would be forced to meet the competition of the sweatshop and it is doubtful that he could do so without engaging in wage cutting. Any widespread wave of wage cutting would be disastrous to American industry, and I hope that it will not be the sense of this House to say to the American people that America is destined to go backward.

Mr. Chairman, the development and the future of America lies ahead and not behind. The greatness of America lies in her determination to develop and progress toward better things and toward a better and more abundant life for her people. No worse enemy to the future existence of American democracy exists than the extreme economic reactionaries—the bitter-end defenders of the practices which led up to the collapse of 1929. Even the most casual glance at contemporary history will demonstrate that democracies have tottered and been swept aside whenever they failed to keep pace with the changing needs of industrial civilization—whenever they have neglected to provide for the economic welfare of the masses of their peoples. Under the lash of economic need and distress, peoples have been lured by demagogic promises of economic security into surrendering their liberties to dictatorial systems of government. It was provided by the founding fathers in the preamble to the Constitution that our Government should provide for the general welfare of our people and on the faithful observance of this admonition rests the security and future of our democracy. The prevention of necessary reforms, the road back to the practices prevailing before 1929, is the road back to obsolescence and decay. History has not been kind to obsolete governments and economic systems and the scrap heap of history is strewn with their remains. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, it is no more reasonable for those who oppose amendments to this act to charge those who offer amendments with seeking to strike down the $12.60 per week minimum or to charge them with being in favor of sweatshops than it would be for those of us who advocate amendments to charge that our opponents belong to the same class and were the same kind of people as are those labor racketeers, two of whom have recently been sent to jail.

Neither those who favor amendments to this act nor those who oppose all such amendments are getting anywhere by questioning the motives of the opposition. I do not know of anyone in this House who has advocated the theory that $12.60 per week was too much to pay for 1 week's labor. I do not know of anyone in this House who advocates the continuation of the sweatshop; yet every time an amendment is proposed to this law, those who propose it are forced to meet the unjust, the unfair, and the unreasonable charge, made by inference at least, that they are seeking to lower the minimum wage of $12.60 per week; that they are in favor of the sweatshop; that they believe in denying to labor a living wage.

If I understand the proposed amendments correctly, none is directed toward the lowering of the minimum wage; none is directed toward any provision that makes possible the sweatshop. All amendments to which I have given any consideration are supported with the idea of making the law workable; toward making it easier for the employer to pay a living wage; easier for the employee to earn a maximum; all are directed toward creating a more friendly relation between the man who receives the wage and the man who pays that wage.

One proposed amendment in particular would make it possible for an employee to take time off one day, or one week, and make it up the next without demanding that he be paid for time and a half for the overtime while making up for time lost a previous day or week.

Today the gentleman from Pennsylvania [Mr. BRADLEY] stated that he regretted that yesterday the gentleman from Georgia [Mr. COX] had injected the issue of sectionalism into this discussion. I have no desire to have that issue brought in, but you cannot discuss this question without discussing the manner in which the law operates on all those who fall within its provisions. It is futile to take up and consider the law as it applies to only one class. The law in its operation affects the farmer as well as the industrial worker and it is pointless to ignore its effect upon the farmer. I would like to take up for a moment where the gentleman from North Carolina [Mr. BARDEN] left off.

One of the purposes of this law was, of course, to increase the wage of the industrial worker. That was sought to be accomplished not so much by establishing a minimum wage as by the limitation of hours and the requirement of time and a half pay for overtime. Let us see now how it affects the farmer, and I recall the words of the gentleman who said that under the law a farmer was a farmer only when he was working on the farm. I believe the gentleman from Indiana [Mr. LANDIS] made that argument. He stated further that the farmer could not be a farmer when he was processing his products. The gentleman forgot, of course, that sometimes a farmer converts hogs into hams, shoulders and side meat into sausages, sowbelly into bacon, cabbage into sauerkraut, milk into cheese, and so on down the list.

Going back now to the argument of the gentleman from North Carolina [Mr. BARDEN]. He told us about lettuce. Let me give you an illustration on how the apple grower becomes an industrial worker subject to the provisions of this law. Thirty years ago on land which my grandfather cleared from the forest I set out 1,500 apple trees. Every year those trees have been trimmed, they have been sprayed, and when necessary they have been cultivated and fertilized. For the last 10 years the men who did the trimming, who did the spraying, who did the picking and the packing, were paid more than the minimum wage and some years received in addition their living on the farm.

When those apples were picked and packed they went to the market. Those who handled the apples under the present ruling are industrial workers, although the farmer or his boy or the hired man drew them to market. I recall a season not very long ago when some of those apples went to the city of Detroit from which comes the gentleman who spoke a moment ago. Four hundred bushels of No. 1 apples, in baskets, went down there. They had been picked at my expense, they had been packed and were hauled to market. For the 400 bushels came back a check—and mind you they got my baskets too—a check for $5.55. That experience can be duplicated all along through the history of the farming occupation or industry, and I shall be glad to show any Member of the House the account of that farm where over a period of 10 years not one single dollar has gone to the owner but always there has been a loss. And we did not count out of the income anything for depreciation, or anything for insurance, or anything for interest on the investment.

Why is there no profit there? The moment the apples left the farm, what happened? They went into the hands of a truck driver to get them into the city of Detroit or to some other market, or into a packing house or a storage plant. You had to pay $50 membership in a union before your apples could roll along the highway. You had to pay dues and assessments before the fruit could be hauled over the highways, and when they got into the city of Detroit or the city of Chicago they had to be unloaded. Although the farmer or his boy was on the truck, they had to be unloaded by a union handler, and you had to pay the man who took them down there on that truck time and a half if he worked more than the hours prescribed by the bill. And the man in the packing plant or warehouse was drawing a wage several times greater than the return received by the owner of the farm or fruit, and if he worked overtime, then he received a wage and a half for overtime. So you see where the money went—the money that was finally paid to the farmer for the product was but a small percent of the selling price.

Once before I called your attention to a farmers' cooperative located in the little hamlet of Hamilton in my home county. They send to the Chicago market by truck what would amount to between two and four carloads of eggs every day. The trucks get down to Indiana and at New Buffalo, and they change drivers because of the length of the haul, yet it is not over 175 miles from Hamilton to the Chicago market. They operate two trucks. This means four drivers and means a union driver if you want to get into Chicago and union membership of $50 each, or $200 a year, with union dues of $5 per month each.

When the eggs get to Chicago they must be unloaded by a union man, they must be recandled, mark you, by a union candler, although they have passed State and Federal inspection the day before in Michigan, and the farmer must stand the cost of $1.10 an hour for the recandling, and he must pay for the transportation. And if the candlers or anyone connected with the marketing of his eggs works overtime he must pay time and a half no matter how much the man lays off during the preceding week, no matter how many days he is idle; if there is overtime in any one week it must be paid for at the rate of the usual wage plus one-half additional. Every man who touches those eggs from the time they leave the farmer's coop, or even while they are in the farmers' or cooperative packing house, receives a wage far in excess of the amount the farmer realizes for his toil and in addition to that, the overtime provision of the law applies to all those who handle the farmer's products and for that overtime he pays at the rate of time and a half.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. O'CONNOR. If we were to exempt the class of labor the gentleman is now speaking about why should not those engaged in the transportation of these products from the farm to the market be likewise exempted as they participate in getting the products from the farm to the consumer?

Mr. HOFFMAN. My argument is that never by legislation are you going to equalize matters of this kind. Tell me, if you please, why the man who drives the truck to take the

produce of the farm to market, the produce on which the farmer makes a wage of less than 10 cents an hour—every man who handles that produce from the day it leaves the farm until it is consumed—should receive 3, 4, 5, or 10 times the wage or return or compensation that the man who produces the food itself receives?

I can sympathize with the argument that the wage of the man in the factory or the industrial center should be raised; but until you fix the price that the farmer is to receive for his product, where is the justice in the legislation which, for example, in the motor industry in Detroit gives an average worker 90 cents per hour, while the farmer receives an actual cash return for his labor of no more than 10 cents per hour. You speak of increasing employment by shortening the hours and thus give more men jobs, though the total number of hours worked is no greater, but what about the farmer, who has no minimum working day, no minimum working week, whose hours are not and cannot be limited?

The argument that the farmer is benefited by paying a higher wage to the industrial worker as by so doing the purchasing power of the worker is increased and the farmer's market broadened and his price raised sounds well but it does not work out that way. If to the legislation which raised the wage and shortened the day and the week of the industrial worker you added a provision requiring him to spend his increased wage for farm products, there might be something logical in the argument. But when the increased wage goes for radios, shows, amusement, vacations, and things of like nature, all in themselves desirable perhaps, neither the price of corn, wheat, pork, beef, nor dairy products is raised nor are more consumed.

Not a man in this House but who knows that the wage of the average industrial worker is far greater than that of the average farm laborer; be he owner or hired man.

If by legislation, we are to increase the wage or the income of any one group then why not follow the process through to its logical conclusion and fix the minimum price of the farmer's products so that he, too, shall receive a minimum wage; work no more than maximum hours. If the industrial worker is to receive no less than 25 cents an hour, in many cases far more, and if he is to work no more than 40 hours a week or as some now demand, 30 hours per week, why not extend the law and say that no farm product shall be sold at a price less than will give to its producer, the farmer, a wage of not less than 25 cents per hour, based on a working week of 40 hours?

Under such a procedure, what do you figure the price of butter, milk, meat, or bread would be? Is there any logical reason why because a man works in a factory where he is protected from heat, from cold, where he has sanitary surroundings, where provisions are made to protect him from dirt and industrial hazards, and where he receives an average wage, let us say, of 50 cents per hour, the farmer, who works through winter's cold and summer's heat—out in the rain, the sleet, and the snow—who follows the plow or the harrow through the dust and the dirt, not 6 hours a day, not 8 hours a day, 5 or 5½ days a week, but 6 days a week; who does his chores not during 30 hours a week, nor 5 or 6 days a week, but through 7 days a week—why he should not receive a minimum wage and work no more than a maximum of 40 hours per week?

Yes; let us do away with sectionalism and, if we cannot treat the man in the country who earns his bread in the "sweat of his face" as we do the man who lives in the city, let us at least remedy those unfair provisions of this legislation which have to do with time and a half, which compel the payment of a wage and a half for any hours worked over a certain number. Shorten the hours which a man may work, if you wish, but do not under the guise of shortening the workweek permit him to work more than the 40 hours per week and then compel his employer to increase his wages by half for all the overtime and at the same time deny a like wage to the man who toils just as hard and just as faithfully on the farm. Let us label the bill, if we want to be candid, as a bill to increase wages and not pretend that it is one to shorten the hours and let us extend the benefit of the act to every man who works, if that be the purpose of the law. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. HARE] such time as he may desire.

Mr. HARE. Mr. Chairman, I do not share the opinion of some that either of the proposed amendments will materially affect the wage and hour law, as applied to industry. The Norton and Barden amendments apply primarily to agriculture and both attempt to clarify the "area of production" as defined by the Administrator of the Wage and Hour Division in the Department of Labor.

Practically everyone agrees that the definition limiting the area of production to a 10-mile radius is wholly unwarranted and the law should be amended to clarify this matter. The Administrator, Colonel Fleming, testified before the subcommittee on appropriations for the Department of Labor that it would be a great relief to him if Congress would make some amendments clarifying the law. The proposed amendments would apply particularly to small canning factories, small sawmills, and so forth. They make no reference whatever to textile or other industrial enterprises, and they will not be affected should either of the amendments be passed.

The theory upon which this legislation was predicated was to protect the health of employees in industrial plants, eliminate what is known as the sweatshops, prevent unfair and unjust competition among employers, and provide for a living wage in industry. Congress did not include agricultural labor in the law and did not intend to make the law applicable to those small activities closely associated or directly connected with agriculture, and so stated in the act, but in an effort to give the Administrator some authority to make rules and regulations for the enforcement of the act, it apparently gave him legislative authority which has made a crazy quilt out of the affair as it relates to various rural activities or those directly connected with agriculture. The amendments before us are for the purpose of correcting some of the difficulties found in an effort to administer the law with reference to these small rural activities; as I understand, they do not really amend the law; they simply restate the law and attempt to make clear, definite, and certain what Congress intended to do at the beginning. However, this problem could have been solved much easier by exempting all these rural activities engaged in handling farm products where the number of persons employed therein is 25 or less, because the working conditions there do not impair the health of anyone, there are no sweatshops in these small plants, there is no unfair competition or chiselers to amount to anything, and there is nothing fundamental to be gained by their inclusion.

Everybody admits that the Administrator's interpretation of the law as applied to the "area of production" has caused a number of small plants engaged in handling and processing perishable farm crops to go out of business and to that extent has reduced employment, both in the plants and on the farms where the crops were formerly grown. I have no particular preference between the Barden and Norton amendments, but I see no reason why one or the other should not be passed and thereby afford employment to those formerly employed in these plants, and the farmers in the vicinity thereof be justified to again begin the production of those crops usually processed locally, such as beans, peas, strawberries, asparagus, and so forth. There is also a provision in each of the amendments that will give some relief to the small saw-mill operators and it is hoped they will be able to renew their activities and furnish added employment.

It has been argued here today that to adopt either of the amendments will emasculate the law. Such an argument is absurd for, in my opinion, with some few amendments the law is here to stay. However, like other new and untried legislation, clarifying and perfecting amendments will necessarily follow from time to time to meet changing conditions and promote the interest of those involved.

I have in my congressional district between 35 and 40 cotton mills, a few garment factories, and a small number of hosiery mills. About one-third of the population is represented in these industrial activities and a little more than one-half in agriculture. So far a great many of the people interested in the textile business have been agreeably surprised at the successful operation of the law as applied to this particular industry. It has removed much of the unfair competition that formerly existed between employers over widely distributed areas and has in a measure been of considerable benefit to the average employee. The cotton mill business, if reports are correct, is more active today than any time in history. Most of the complaints have come from the small saw-mill operators and those rural activities engaged in handling and processing farm crops. It is true, there has been some complaint on the part of employers and employees in the application of the law to beginners and learners in industrial plants, but sincere and honest efforts on the part of those charged with the administration of the law should result in a satisfactory solution of this problem. However, there is a problem which commands the most profound and careful consideration of all interested parties, especially in large industrial plants where it is relatively easy to substitute machine power for man labor. It is not only important from the standpoint of the physical welfare of the employee but becomes a vital factor in the solution of the unemployment problem.

When industry installs new and high-geared machinery in a plant where one person is required to do the work of two and the other laid off, the economist refers to such a situation as "technological unemployment," but the employee calls it the "stretch out" system. This is the greatest unsolved problem in industry today. It is not a new problem and, although it may be accentuated thereby, it cannot be charged primarily to the operation of the Fair Labor Standards Act, because it has been a growing problem for the past quarter of a century and, in my judgment, will be an ever-increasing problem until some definite voluntary or legislative action is taken looking toward its solution. It is a problem to which I have given most careful and thoughtful study for the past 15 or 20 years, and it is a matter which probably should have been taken into account when the original act was being considered.

I do not know that I have a perfect or even a workable formula, but it is my thought and prediction that the next outstanding amendment to the existing law will provide that when any employer subject to section 6 of the Fair Labor Standards Act employs as many as 50 or more persons, it will be unlawful for such employer to diminish the number of his employees or the hours thereof as a result of the installation of new and improved mechanical equipment, except where a reduction of hours will not operate in a reduction of the daily or weekly wages of such employees, and it is my further impression that when such an amendment is presented it will carry a provision requiring that upon the installation of such equipment the wages of the operators thereof shall be increased in proportion to their contributions to the added market value of the increased output resulting from such installation.

I have some doubt whether such an amendment would be germane to either of the amendments now before Congress for consideration, and a point of order would, therefore, lie against it, but I want to make the suggestion as a matter of record so that employers and employees may give careful study and consideration to the matter in the hope that an amendment satisfactory to all interested parties may be agreed upon or, if possible, a solution may be reached without further legislation.

I do not share the idea of some that the practice of installing new machinery is primarily for the purpose of exploiting labor, although the result may be the same. On the contrary, the practice can be attributed to the inventive genius of the modern mind and the desire of efficient business to increase production and at the same time decrease the cost per unit by mass production. This is not only true in industry but it is also true in agriculture, the blacksmith shop, and other activities. However, there is one difference in practical application. For example, when a farmer buys a tractor or grain drill he does it with the idea of increasing production and decreasing the labor load. In industry there is generally increased production or a better product, but invariably the labor load is increased, the principal criticism being that the wage of the employee is not increased in proportion to his contribution to the increased value of the finished product.

If there had been efficient planning boards for the past 25 years, there is little doubt but what plants would have been sufficiently enlarged to take care of all employees where modern machinery has been installed, the wages of employees would have increased in accordance with their contributions to the value of the finished product, and such amendment would not have become necessary.

Of course, we all recognize the continued possibility of further inventions and a continued practice or policy of installing such machinery or equipment with the idea of increasing production with a decreased production cost per unit. This is a natural and logical economic policy in any highly competitive industry such as found in the textile business. However, the interest of the employee should not be ignored and the purpose of such an amendment is not to prevent the use and installation of new and improved machinery but to see that the employee, who has spent years and years in developing his technical skill, is not thrown out of employment and required to seek work in other fields or activities. On the contrary, this amendment has for its primary purpose the retention of such employees because, by reason of their highly developed and technical training, they should be retained in order that they may not only capitalize on their experience but that business itself may not lose their efficient capacity for increased production. It is as much to the interest of industry and the economic welfare of the Nation to retain those who have developed a capable and efficient technique after years of training and experience as it is to install new and improved machinery.

It will be observed that this suggested amendment does not in any way penalize the employer by preventing the installation and use of improved mechanical equipment, but only provides that in case such equipment is installed there should be a sufficient increase in the plant to prevent or obviate the necessity of reducing employment. We can see the possibility of machinery becoming so proficient that an employee by reason of his increased experience and skill will be able to increase his daily output of production with a possible decrease of effort. However, if the theory on which the law is predicated or based proves to be successful in every way, both to employer and employee, the practice provided for in this amendment should be followed, whether it be voluntary or in response to law.

The suggested amendment provides further that in case new and improved equipment should be installed and as a result thereof the employee should be able to increase his daily output of production, then it is only fair that he should have his proportionate share of the added value of such increased production, and his wages should be increased accordingly.

In other words, this amendment provides that if an enterprise feels that it can economically purchase and install improved machinery it should enlarge its activities or business sufficiently to obviate the necessity of reducing the number of employees and thereby take care of the people who have developed a high degree of proficiency in their work. Furthermore, if by the installation of such mechanical equipment, the output of production per employee is increased, his earning capacity or productive power has necessarily increased, and he should be compensated proportionately. That is, his wage should be increased in proportion to his earning capacity or productive power. This is reasonable, fair, and just, and legislation should not be necessary, but in order to obviate the possibility of one or more enterprises failing to follow such a practice and thereby

being able to unfairly compete with other employers, we feel the policy should be made applicable to all alike, and for this reason I have suggested this amendment. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the Resident Commissioner from Puerto Rico [Mr. PAGÁN].

Mr. PAGÁN. Mr. Chairman, I arise to support the bill under consideration, as it refers to the amendment applicable to Puerto Rico. I regret that in the time allotted to me I am unable to bring before the House the peculiar conditions of Puerto Rico. First, I shall state that I myself am a labor man. I stand for labor, and, in fact, I have devoted about 20 years of public life in my island struggling and fighting for the common people, for a fair deal to labor, endeavoring for higher standards of living and welfare for the workingmen. We would feel happy if all our laborers could earn wages averaging $1 or more per hour, but under the circumstances, considering the deplorable conditions of Puerto Rico, its unemployment and poverty, we support the amendment to the Federal wage and hour law.

In the consideration of amendments to the wage and hour law Congress should have in mind the peculiar conditions of Puerto Rico as compared with conditions in the mainland United States.

Puerto Rico is a very thickly populated country; in fact, the most densely populated area in the whole United States and one of the most thickly populated countries anywhere in the world. A small island covering an area of only 3,600 square miles, has a population of nearly 2,000,000 inhabitants. Only very highly industrialized countries, as Belgium or England, have so crowded a percentage of inhabitants per square mile.

And Puerto Rico is essentially and predominantly agricultural. Of the 2,000,000 total acreage of land, only about 800,000 acres are practically cropland suitable for agriculture. We are very scarce in raw materials, and have no timber, nor petroleum, iron, or any minerals producing income for the island and employment for the people. Unemployment in Pureto Rico is our main problem, is chronic, is practically a plague. According to official statistics, over 400,000 workers are now unemployed.

The main crop and source of income and employment is sugar. Even sugar, in agriculture in the cane fields and manufacture in the factories, is seasonal, providing work for the people only during a few months in the year.

Due to the sugar-control program of the present administration, which fixed to Puerto Rico a standing quota for production of sugarcane and sugar, about 100,000 workers who usually earned their living in the sugar industry are idle. And over 50,000 more would be affected in their jobs by the enforcement of the present wage and hour law, which practically would force the sugar industry to bring in labor-saving devices, putting many people out of work.

Our major and nonagricultural industry in late years has been needlework and embroidery, to which industry the present wage and hour law has affected mainly. This industry employed about 70,000 workers. The wage and hour law had put away from their jobs about 45,000 workers, who are now really starving. This needlework industry of Puerto Rico is really peculiar. It can be said it is foreign, as compared with industries in continental United States, because the competition to our needlework industry comes from foreign countries, all or most of them under lower standards of living and paying very low wages. If the wages for the industry are so that they do not attract manufacturers, they simply go out and give income and employment to people of foreign countries. Our competition is foreign labor. The wages for our workers in the needlework industry depend on the selling price of similar goods imported into the United States. This factor, in fact, has limited the growth and expansion of our needlework industry.

Gen. Hugh S. Johnson, as Administrator of the National Recovery Administration, studying the peculiar conditions of our needlework industry, made a striking report, which, in part, reads as follows:

> The selling price of products are not regulated by mainland prices alone; buyers in an effort to obtain attractive products have opened to them factories of other countries. * * * If the prices of Puerto Rican products are raised excessively, it well may be that buyers will quickly be driven to the factories of other nations for source of supply. * * * In the meantime, manufacturers in the Philippines and China suffer no such handicap and are profiting at the expense of Puerto Rican labor.

Due to certain trade agreements of the United States with foreign countries, goods of this needlework industry, in competition with our industry, have been imported into the United States from foreign countries and sold at similar prices, paying wages which figured between 3 and 4 cents per hour. With this foreign industry we have to compete.

Taking in consideration these factors, especially the competition with foreign industry under low wage scales, and considering the grave problem of unemployment in Puerto Rico, we have been favoring any amendment similar to that contained in Mrs. NORTON'S bill, adequate and convenient for conditions in Puerto Rico. Supporting it, I close my remarks by reproducing the report rendered last year accompanying said bill—H. R. 5435—which in part reads as follows:

> Industries in Puerto Rico and the Virgin Islands now operate under many economic disadvantages not common in the United States. Per unit costs of production aside from labor tend to be high because of lack of raw materials essential to manufacturing industries, management difficulties, and the great expense of plan construction and mechanization due to distance from centers of equipment production. Conclusive evidence that such economic disadvantages do exist in these islands is found in the fact that their wage rates, which are substantially lower than those in the United States, do not attract industries from the United States to any appreciable extent. It is believed that the application to the islands of the inflexible minimum-wage rates prescribed by the act will cause serious dislocation in some insular industries and curtail employment opportunities. The object of this amendment is to fix wage rates for these islands which are high enough to discourage migration of business from the United States but which are low enough to encourage industrial development opportunities in the islands.

We favor the amendment to the wage and hour law referring to Puerto Rico, because we hope that the industry committees to be appointed pursuant to the law will fix proper and fair wages according with the conditions of Puerto Rico and because we want to see our people working better than seeing them starving or depending on relief from taxpayers of continental United States.

The working people of Puerto Rico want to stand on their feet, they want work from industries that under our peculiar conditions may be able to pay living salaries, which could fairly be fixed by the industry committees provided for in the amendment. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, when this law was enacted, the Congress very clearly intended to exempt certain agricultural labor. I read the entire discussion that occurred on the floor of the House when this bill was enacted into law and the amendment offered by the gentleman from Iowa, Mr. Bierman, which the House adopted, very clearly reflected the attitude of the House and its intent to exempt certain phases of agriculture from the operations of the wage-hour law; but when the bill came back to the House after conference with the Senate there appeared, apparently for the first time, rather strange words, "area of production." If you have not taken the time to do so, it might be worth while to look at section 213 of the Code, which contains the exemption. In section 213 of the Code any employee engaged in agriculture is clearly exempt. There also was an attempt to exempt from the act any individual employed within the area of production as defined by the Administrator engaged in the handling, packing, storing, and so forth, of agricultural products.

The difficulty rose when the Administrator attempted to interpret the words "area of production" and to define them. As indicated by the distinguished gentleman from New York this afternoon, both the Administrator and his Department got into difficulty when they adopted varying and variable interpretations as to what was meant by "area of produc-

tion." They attempted to exempt by the definition last adopted by the Administrator those processors of agricultural products located in communities not exceeding 2,500 in population who secured their raw material from an area not exceeding 10 miles around that plant.

This meant that a plant in a town of 2,500 population was not subject to either the hour or the wage provisions of the law, provided he got his raw material from an area not to exceed 10 miles; but a town of 2,600 population, located 3 miles away, was subject to the provisions of the law.

A further attempt to define the area of production appeared in a regulation adopted by the Administrator when he said that a processing plant processing agricultural products located in a town, city, or village of over 2,500 and employing less than 7 people was not subject to the act, provided it employed 7 or less people. A situation rose which I called to the attention of the general counsel of the Wage and Hour Division, Mr. McNulty, when he appeared before our committee, wherein a processor of agricultural products located in a city of 20,000 is processing milk, which is shipped in interstate commerce. He employs less than seven people. Is he subject to the act or is he not?

The gentleman answered me by saying in substance that first he would have to know whether he got his raw material from the general vicinity, because that is the language of the regulation. I asked him to tell me what facts would be necessary in order to determine whether this man got his raw material from the general vicinity. I understand what "general vicinity" ordinarily means, but what does it mean as interpreted by the general counsel for the Wage and Hour Division? This man was processing milk. He had to get his milk under contract from farmers wherever he could get it. Right next door to him was a processing plant employing less than seven people making ice-cream mix and this concern was fortunate enough to contract with farmers immediately adjacent to that city. The latter plant is within the definition "area of production" and is not subject to the act. The other plant operated in such a manner that it had to go out 20 miles to get the milk and bring it into the factory. That plant is subject to the act because it does not get its raw material from the general vicinity of the city or town in which located.

If they make an analysis of the situation as applied, I think you will concede both Mme. Perkins and the Administrator, Colonel Fleming, when they appeared before our committee, very definitely and clearly indicated by their testimony the necessity for some change in this act to make it workable so that the inequalities and injustices which they both admitted existed from one end of this country to the other could be wiped out and justice done, especially to the farmers; but their contention was and the contention of those who oppose any amendment or change in this act was that it could be done possibly by regulation and there should be no attempt to change the basic language of the act itself.

Mr. Chairman, we in Wisconsin have waited in vain, with plant after plant closing down, for some change in these regulations that would enable people engaged in the canning business and canning the same product and engaged in a competitive field to be placed upon the same competitive basis. May I say that it seems to me some questions ought to be very clearly answered by the members of this committee before we pass final judgment upon any of the proposed amendments.

I have listened this afternoon to all the discussion and it seems to me most of it is for home consumption, that most of it is a lot of bombastic talk that does not get right down to these bills and explain any of the amendments, but is intended as a eulogy to labor and making a demagogic appeal for the support of those who labor.

Let me ask the members of the committee some questions first, so that I may understand. May I ask that you turn to page 11 of the Norton amendment, subsection 1, which reads: "No employer shall be deemed to have violated subsection (a)" and so forth "making of dairy products (except ice-cream mix, ice cream, malted milk, and processed cheese) including among other things, the cooling, pasteurizing, printing, or packing thereof."

Do you intend if the Norton bill is passed to exempt those canning factories that are engaged in the processing of milk, that are manufacturing condensed milk, powdered milk, casein, and other dairy products which are not listed in the exemptions stated in that subparagraph? May I ask the gentleman from Georgia [Mr. RAMSPECK] if I am correct in saying that if this law passes, a plant any place in the State of Wisconsin, regardless of the number of people whom it employs, that is engaged in the processing of milk, dry milk, or condensed milk, is not subject to this act except as it may be generally subject to it if these exemptions do not apply to it?

Mr. RAMSPECK. The gentleman is asking me a question. The answer is that they will be subject to the wage provisions.

Mr. KEEFE. To the wage provisions.

Mr. RAMSPECK. They will have a 60-hour week all the year around, and for 14 weeks they have no limitation on hours. That is the provision of the Norton bill.

Mr. KEEFE. In other words, if I understand the gentleman's answer, a plant such as I have described, if the Norton bill passes, will be able to work its employees 60 hours a week without paying time and a half overtime?

Mr. RAMSPECK. That is correct.

Mr. KEEFE. And you intend that that should be?

Mr. RAMSPECK. That is right.

Mr. KEEFE. You intend that the plants of the Borden Co. and all the big processors of milk that are engaged in the business of making skimmed milk and powdered milk and condensed milk shall be able to work their employees 60 hours a week, provided they pay the minimum?

Mr. RAMSPECK. That is correct. May I say to the gentleman that the evidence before the committee was that all these larger plants are unionized.

Mr. KEEFE. That is exactly right.

Mr. RAMSPECK. That will take care of the situation, and the little plants will be able to have longer hours. What we are trying to do here is to get away from the difficulties of the area of production which the gentleman from Wisconsin has so ably pointed out.

Mr. KEEFE. I wish to say that I regret that I cannot go through this bill and ask some very pertinent questions in the debate before we get through, so that we will have in the RECORD and know and understand exactly what this bill means, because up to date no one has attempted to do that. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I am glad that our distinguished colleague the gentleman from Michigan [Mr. HOFFMAN] has joined a few more of us who have been trying to secure the passage of a bill in this House providing for cost of production for farmers.

Mr. Chairman, we have heard from gentlemen who profess to speak for the farmers of the country. We shall probably hear more from them.

Since when, may I ask, have these gentlemen discovered that there is a community of interest between the farmer and the big Chicago packing plants, or between the farmers and the great grain elevator operators in Minneapolis and Chicago? Since when has the startling discovery been made that the welfare of the farmer depends upon bigger profits for the railroads, the lumber barons, the big canners, and all that host of middlemen the real farmers of this country have been battling as long as I can remember? I would like to see you try to convince the farmers out in my State that their welfare depends upon bigger and better profits for Armour & Co.

I was born on a farm and brought up on a farm. I think I know the real interests of the farmers quite as well as some of their surprisingly recent new-found friends. The farmers

and the industrial workers and small-business men of the Second Montana District sent me here. And I feel that I never have so adequately represented them as I do now in protesting against this attempt to emasculate the Fair Labor Standards Act.

The farmer and the industrial worker! There, gentlemen of the Congress, is your real community of interest. To whom does the farmer look for a market for his produce? Why, to the industrial workers of the country, of course. They are not going to sell any more meat and potatoes and bread and butter to the Armours and the Cudahys and the directors of the railroads. Those gentleman are getting enough to eat, anyway, and they could not hold any more even if we did sweeten up their profits at the expense of labor.

If we are going to sell more meat and wheat and other foodstuffs, we have got to find some way to get them into the hands of the millions of industrial workers who are half clad and half fed. They are the people who want and need more butter and eggs, more wool clothing, more of everything the farmer produces. But you cannot sell to people who have not got jobs or who, even if they have got jobs, do not get enough in wages to buy anything more than the most meager necessities of life.

There are millions of people in this country who do not get enough to eat. Millions, with incomes of less than $500 a year, are spending only about 5 cents per person per meal on food. In the name of Christian charity, let me ask you what is going to happen to our American democracy if we close our eyes to this injustice? Ex-President Hoover has been asking us to come to the aid of the suffering Finns. I am in favor of helping the suffering Finns; but I still think charity begins at home. If we want to be charitable, we do not need to stretch our arms and our hands, extending food to the suffering, a distance of 3,000 miles.

Let me tell you another thing: The help provided by Government for the farmers of this country—and we have appropriated billions—could not have been granted had not the urban Congressmen, representing the industrial workers, voted for it. Whenever we have asked anything for the benefit of the farmers, our city brethren have stood shoulder to shoulder with us. It comes with mighty poor grace if now that we are asked to extend just a little measure of protection to the city worker, we who speak for the farmers turn against him. The city industrial worker is not asking us to vote him a subsidy of a billion dollars; all he is asking is a minimum wage of just 30 cents an hour. Thirty cents an hour! Think of it! Thirty cents an hour, out of which to pay the rent, buy the food and clothing, pay the streetcar fare, and meet the doctor's bill. And yet they tell us that is too much for the head of an American family. Let me ask the Members of this House, who are advocating the mutilation—if you please—of the wage and hour law, what they would say if they were asked to feed themselves and their dependents on 5 cents a meal per person. Let such a thing as that be proposed, and hell would be to pay.

The distinguished gentleman from Georgia [Mr. Cox] and Mr. HOPE, of Kansas, made the statement that many farmers live on much less than 30 cents per hour. In this statement they are technically correct. Many, many farmers do not receive in cash 30 cents per hour for their labor, or anywhere near that sum, but the difference is that the farmers produce, as a rule, their vegetables, milk, butter, and meat and have a place in which to live, which constitutes a large share of the farmer's living. If he were required to buy these products, and pay rent for his house, he could not make a go of it at all. The industrial worker, on the other hand, is required, as before stated, to buy all of his food, his clothing, and pay for a place to live in, as well as other incidental expenses, such as light, water, heat, and so forth. We must not get these two problems confused.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. No; I am sorry, I have only a few minutes.

Mr. KNUTSON. I suggest that the gentleman yield to the gentlewoman from Illinois.

Mr. O'CONNOR. I yield to the lady.

Miss SUMNER of Illinois. I simply wanted to tell the gentleman that the thing on the farm that is raising and raising is the mortgage every year.

Mr. O'CONNOR. Let me call the attention of the gentlewoman to the fact that the farmer was being kicked out of his home in the spring of 1933 by mortgageholders, but today he still has his farm even though there is a mortgage on it. There is the difference. He would not have anything left if it were not for what has been done for him during the last 7 years.

Mr. KNUTSON. Politics, politics.

Mr. O'CONNOR. I also wish to add to this point and to emphasize that the farmer's income for the year of 1939 was higher than it was in 1938. This was during a period of time when this law was in operation. I am not saying that its administration has been 100 percent, but even though the law may not be perfect, a liberal interpretation by the administrators of a law is always desirable and can take care of many imperfections and defects.

The city worker, through his representatives, has stood loyally by the farmer. How much longer do you think he will continue to stand by in the farmer's time of need if the farmer's representative now throws him to the wolves to be exploited any number of hours at the lowest pittance the most greedy employer is willing to pay?

We hear a lot of talk these days about the dangers of communism. We don't want communism or any other "ism" except Americanism. But remember, Members of the House, that millions of innocent people who are undernourished, half-clad, wretchedly housed, are not going to suffer forever in silent patience while they are ground to lower and still lower levels. They are not going to cling for long to the theory of democracy if it does not work and if its benefits are denied them.

Yet, they say, the farmer somehow is going to be benefited if we deny the workingman protection in his wage or in his hours of work. How benefited? Well, let us see what this Barden bill really does. Let us turn to lines 21 to 23, inclusive, on page 4. Here it is provided that the preparation of products and livestock, when done "at the packing plant," shall have a complete hours exemption for 16 workweeks in the year. All right, that means that Swift & Co., Armour, and Cudahy may work their employees an unlimited number of hours without paying a cent for overtime 16 workweeks in the year, even when they are engaged in the manufacture of glue, fertilizer, oleomargarine (which competes directly with the dairy), sausages, or in tanning hides, or while engaged in working on any of the byproducts that come from the slaughterhouse. That takes care of the big packers, all right, but just what does the farmer get out of that? And how about the industrial citizen? He has a plant over in the next county manufacturing glue, fertilizer, and so on, from livestock products in competition with the big meat packers, but he does not get any exemption—not under this Barden bill. He does not get any exemption because he does not operate a meat-packing plant. He has to keep right on paying his employees not less than 30 cents an hour, plus time and a half for overtime for all hours worked beyond 42 a week. You let out the big fellow and penalize the little man. In heaven's name, where is the logic—not to say justice—of that?

Then again, section 5 (b) of the Barden bill—lines 12 through 24 on page 7—would give exemption to such a gigantic corporation as the Kraft Co. from both wages and hours when manufacturing cheese and other dairy products made from milk. The Kraft plants are situated in the big cities, such as Chicago and New York, and they employ thousands of workers, many of whom probably never saw a farm. If you reduce the wages of these people, how do you expect that the farmer is going to sell them more butter and eggs and milk, or anything else? It cannot be done. Again, the production of casein, which is used to manufac-

ture synthetic buttons and the like, also is exempt under this provision from both minimum wages and maximum hours. But the fellow who is manufacturing buttons from some other material is not exempt. How are you going to justify that sort of discrimination? How is that going to help the farmer? If not, is it going to help the worker?

Let us move on to page 8, lines 3 through 5. Here an exemption from both wages and hours is granted to the compressors of cotton. You and I know that the machinery for compressing costs a lot of money and that these compressors employ a lot of people. They are situated at the big shipping centers like Savannah, Atlanta, and New Orleans. Once more, the people who are denied the benefits of the act are not farmers or farm laborers. They are city industrial workers, and it is proposed to knock down their buying power so they cannot buy the farmer's produce. I do not believe there is a compressor in the United States so small as to employ less than 100 people.

Then take pages 7, 8, 9, and 10, and the first half of page 11. Read that over and what do you find? Here is a measure to deprive employees engaged in handling and transporting from the protection of minimum wages and maximum hours—both of them. This does not mean the transporting the farmer does when he steps on the starter or hitches up his mule to drive to town with a load of potatoes or corn. The farmer's transportation already is exempt in the law. Any hauling that he does, or his hired man does, is not touched. Here is an exemption for the employees of the railroads—and the big trucking companies. What this part of the bill means is that if a railroad or trucker is transporting any of these products—such as casein, butter, cream, cotton, sugarcane, maple sirup, any kind of nuts—I am speaking of the edible type—sirups or canning fruit or vegetables, all the employees of the railroad or trucking company are deprived of the protection of the law. I have not included a tenth of the products the transportation of which would render these railroads untouchable. Virtually every train and truck carries some of these things, and the scheme here is simply to bar from protection all railroad employees engaged in operating trains.

This thing gets worse and worse the more you study it. Let us go back for a moment to page 8, lines 21 through 24 at the top of page 9. Here is an exemption for employees engaged in canning fruit and vegetables if in the same calendar year the employer does not engage in any recanning operations or does not can any nonperishables. The effect here is to discriminate against about 500 canneries in the country which can both perishables and nonperishables. In other words, if we approve this, we say to the fellow who operates a canning factory just a few weeks in the year, all right, we will give you as a premium the right to pay starvation wages. But to the conscientious fellow who tries ingeniously to keep his people employed on a year-round basis so that they are able to keep off relief and become better customers for the farmer, we say, We will penalize you; we will fix it so the wage cutter can take your business away from you. How is that going to help the farmer? Who can it possibly help but the fly-by-night canning operator? Does anybody dare tell me it is going to help the worker?

I am not through yet. I could go on for hours, but at least there are two or three more other things that I want to mention. Now, back to page 3—lines 24 to 25 on that page—and then over to page 4, lines 1 and 2. Here it is provided that a wholesaler of fresh fruits and vegetables may work his employees up to 56 hours a week without paying them a penny for the overtime. But, on the other hand, the small wholesaler of canned, dried, and nonperishable food products must pay time and a half for all time worked in excess of 42 hours. Nonperishable products were at some time perishable products, which, in order to convert them into nonperishable products, required time and work. Why this discrimination?

On page 7, and running through to the middle of page 11, we find a complete exemption from both minimum wages and maximum hours for all warehouses, regardless of size, in cities of less than 150,000 population, while handling products listed in section 5 (b). Note that term "local storing." It is defined in lines 12 to 14 on page 11 to include all storing outside of "terminal markets" as defined in section 7 (c). The definition is on page 5, lines 9 to 17.

Now we come to a real atrocity. Page 14, lines 13 through 19. Here is perhaps the final death blow to this legislation which the Congress enacted to bring at least a small amount of protection to the helpless working people of this country. Here is a proposal to apply a 6-month statute of limitations to employees' suits for the recovery of their unpaid legal wages. As you know, State statutes of limitation already apply to such claims, and they usually run from 3 to 10 years, depending upon the State. The statute of limitations for real-property suits is 20 years. The philosophy of the Barden amendment is that where an employer is withholding from his employee the wages that lawfully belong to him, and in addition is violating a Federal statute, the period within which redress may be sought is 6 months—just 24 weeks.

Not only that, but the statute of limitations starts running when the violation occurred, irrespective of when it was discovered. One of the purposes of granting the right of private suit was to make wage and hour law self-executing, and reduce the cost of administration. Everybody knows that this provision of the law is having a highly salutary effect in bringing about compliance. Suits for back wages totaling close to $10,000,000 are now pending in the courts. And yet we are asked to let off scot free the employer, who may have been violating the law for years—except for the last 6 months of the cheating.

I will say that my distinguished colleague, the gentleman from Wisconsin [Mr. KEEFE], whom I regard as standing on a high pinnacle in this House, as a lawyer, would not stand for such language in any bill limiting the right to sue within 6 months from the date of the accruing of the action regardless of when the lapse or fault was discovered.

Mr. KEEFE. Will the gentleman yield so I may answer?

Mr. O'CONNOR. If I have time I shall be pleased to yield to the gentleman.

I doubt if any other piece of legislation has ever come before this House representing so hopeless a hodgepodge of discrimination and injustice. Let us strip from it the pretense that all this is going to benefit the farmer and recognize it for what it is—a license to the most unscrupulous elements in American business to oppress and exploit the poor and helpless—at the expense of both the farmer and the worker.

The test of whether democracy works is whether the humble folk—not the rich and powerful, who are amply able to take care of themselves—are fed and clothed and housed. And today our democracy is challenged by unemployment and want. Both are stalking the country. We, who claim to be a Christian nation, dare not reimpose these hardships upon millions of our people. I am amazed when I find gentlemen arguing that any group of industrial workers should be forced to feed, clothe, and house their families on incomes of less than 30 cents an hour.

I do not think the farmers of this country are going to be duped on this matter. They know that their market is here at home, provided we will, in simple justice, continue to vitalize that market with even so small a measure of buying power as 30 cents an hour represents. Underconsumption is the cause of farm surpluses today. It is not overproduction. Give the American people enough to eat, and that will solve the problem. We must not forget that about 85 percent of farmers' products are foodstuffs. Millions of ill-fed, ill-clothed people, farmers and city workers alike, look to us, and have a right to look to us, for help. They are the people of whom, and for whom, I speak. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. JENKS].

Mr. JENKS of New Hampshire. Mr. Chairman, when I came to be a Member of this honored body I asked the privilege of being appointed to membership on the Labor Committee, and during the period that this wage and hour bill

was being considered and brought up I have been a member of that committee. My reason for asking to be a member of the committee was this: I had been advised that that committee was full of dynamite, but I said, "I have handled dynamite all my life" [laughter], and there has been no exception to that since I have been a Member of this Congress. [Laughter.]

I wanted to be a member of the Labor Committee because for a good many years I had worked in the capacity of a laborer. I had worked for substandard wages, 60 hours a week, and later on, as I have told this House before, I was a rather large employer of labor for more than 30 years. When this bill was considered in the committee my one thought was to vote for a measure whereby no man or no woman would work for wages of less than $10.60 a week, and I do not care whether that man or that woman is in the South or the West or the North. He lives under God's blue canopy. He has to earn a living for his family, and that family is entitled to a living, and I ask you, Can any man support a family as it should be supported on less than $10.60 a week, whether he works on the farm or in the factory?

In the manufacturing industry the cost of labor that goes into a product varies very substantially, from 10 to 50 or 60 percent, and it has been my experience that the people who wanted to undersell, who were not willing to meet fair competition, were the men who were cutting down on their labor, which was the only thing they could cut down on, as raw-material costs are the same to one man as another.

There may be, of course, some variations in overhead, but the only place he could really save was on labor, and the chiselers of this country are the ones who have brought wages down and brought about unfair competition until this wage and hour law was put on the statute books.

If there is not another thing I have done while I have been a Member of this House, at least I shall always remember and be proud of the fact that I cast my vote to give a fair living to the people of this country and also to abolish child labor. [Applause.]

Mr. Chairman, I have given much thought and study to the proposed amendments that we have under consideration here to the Fair Labor Standards Act, and I have listened most attentively to the discussion relating to them.

We have heard much about the disadvantages the operation of this act has imposed on the farmer, but, since neither the farmer nor his hired help are subject to the requirements of the Fair Labor Standards Act, I fail to see how he can be adversely affected by the operation of the act, although it is very clear to me that the interests of the farmer could be hurt by decreasing the wages of those who buy his products.

I submit that we are dealing with amendments here that, if passed, would destroy the effectiveness of the Fair Labor Standards Act because those amendments would rob that vast group of underprivileged and defenseless workers of the protection that the act affords them. In my opinion, $12.60 for a 42-hour week of manual labor is not too much for any worker, regardless of where he lives—North, South, East, or West—nor is $655.20 a year too much for any worker to maintain his family on. For that reason I stand unalterably opposed to the passage of any amendment that will weaken and ultimately lead to the destruction of the protection that the fair labor standards law affords to the workers who must need protection. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEYER.]

Mr. GEYER of California. Mr. Chairman, I am not injecting the sectional issue into this problem as the gentleman from Georgia did here yesterday. Yesterday when the very able gentleman from Georgia [Mr. Cox] was speaking, he had much to say for the poor of his section of the country. He expressed great concern for the exploited classes. I asked him to tell us of the laborers who are unable to vote because of the poll tax. Instead of answering my question he made some remark about going into the barber business.

I do not blame him for not telling us of the havoc wrought upon labor and all who toil by this ingenious device of the Middle Ages. It was apparent yesterday to all who had eyes to see and ears to hear that the spear head of this attack came out of the sections where labor may neither punish nor reward at the polls on election day. Labor desires no change in this act and these southern gentlemen who are opposing this social legislation cannot possibly speak for labor—nor scarcely anyone else so far as numbers go.

The gentleman from Arkansas [Mr. KITCHENS] also assisted yesterday in the smoke-screen activity by making reference to his own "arkies" that the great State of California now must contend with. I do not blame him either, for changing the subject away from the poll tax. He probably knows that his State in 1936 voted but 18 percent of its adult population, while the neighboring State of Missouri without this tax sent 80 percent to the polls.

In eight poll-tax States labor has virtually no vote. Barely 5 percent of the people cast a ballot in those States, as against 32 percent elsewhere. The wage and hour law may have enabled a few persons to pay a poll tax. Weakening the law would prevent those workers whom the law now aids from voting to keep the law strong—because they could not pay the poll tax on their lowered wages. But the people who can pay the poll tax and some of the Representatives they send to Congress want both low wages and a poll tax: low wages to prevent labor from paying a poll tax; a poll tax to prevent labor from voting for Representatives who favor higher wages.

From the beginning of this struggle 3 years ago, poll-tax Representatives, with a few notable and courageous exceptions, have opposed the Fair Labor Standards Act. They fought against it; they voted against it; when it was passed they tried to weaken it—now they want to kill it.

I tell you labor all over the country has its eye on this House today. If the poll-tax Representatives vote against the wage-hour law, labor will know that these Representatives speak not with the voice of labor. And labor will also know that the poll tax must go if the voice of labor is to be heard.

I received 56,000 votes in the last election—more than the combined ballots of 12 poll-tax Congressmen, each of whom got less than 6,000 votes. These 12 include two gentlemen from Georgia who are the chief opponents of this labor law. Twenty-five thousand more votes were cast in my district at the last election than were cast in the entire State of Georgia with 10 Representatives. They have 10 votes and I have 1. Is that democratic government? Is that justice to my people?

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield with reference to the figures from Mississippi?

Mr. GEYER of California. I know they are interesting, and I yield.

Mr. SCHAFER of Wisconsin. By reason of this "polecat" tax, the total vote in the 7 Mississippi congressional districts in 1938 was less than 36,000 votes, which is less than one-half of those cast in each individual congressional district in most of the other parts of the country.

Mr. GEYER of California. If every one of the five-thousand-odd votes cast for the gentleman from Georgia [Mr. Cox] were a worker's vote—and I doubt if even 500 were—what about the other 23,000 employed workers in that district who could not vote? Does he speak for labor or the oppressed?

In almost every case the gentlemen from New England who support the wage-hour law and are fighting to preserve it received as many or more votes even than I. Each of them secured personally more votes than all 7 Representatives from Mississippi or all 6 from South Carolina. At least 3 of them each got more votes than all 13 Representatives from South Carolina and Mississippi together. One of the strongest supporters of this law from Illinois received more votes in 1938 than 21 poll-tax Congressmen all put together. Not one of them got votes from as much as 4 percent of his people, yet the gentleman from Illinois got

votes from over 40 percent of his. Yet some call my bill, to abolish these poll taxes, outside interference.

So, gentlemen from the poll-tax States, I say the eyes of all the people in your district—and not just those of your constituents—are on you today. Vote against the wage-hour law and you will confirm the conviction in the heart of the laborer from all sections of the country that the poll tax must go if his family's bread basket is to be filled. And when the poll tax goes, along with it may go its present supporters. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Chairman, I have stayed on the floor today and listened to the debate on these amendments because they are very important to the country, and as I listened to men get on their feet and say they were going to vote against these amendments, the Norton amendments, especially, I could not understand whether they have read the bill or have any interest in the country or not. Very few bills are perfect when they first pass the House of Representatives. Many bills are repealed because they are not workable, and many bills of this social order will have to be amended in this House before they will be workable. As I see it, some five or six or seven lines will cover to a large extent what is contained in the law; but since this bill was passed, about five volumes have been written on the interpretation of language in the law, which is quite clear. So that what we want to do here is to try to get these amendments in such language that nobody, no matter what his mind might be, can interpret it in any other way other than as the Congress intended it. I do not believe there is anybody here who says that he does not intend to vote for these amendments, the Norton amendments, who would think of making a statement of that kind and go back home to his constituents and say that he had voted against the farmer having the right to prepare, cure, grade, or bag raw-grease wool.

Every farmer wants to do that, and it should be clear that he has the privilege of doing it; or of handling, grading, loading, slaughtering, or the dressing of livestock, or of the handling, storing, grading, picking, dressing, or packing of poultry. I do not believe anybody will want to go back home and say that he had denied the farmer that privilege, or of the handling or storing and grading or drying or packing of eggs. It is clear that that is exempted and I do not believe anybody would want to vote against that. If anybody votes against these amendments that is what he will be doing, or the hatching or handling or boxing of chicks, poultry, ducklings, goslings, or wild fowl.

There is one thing in these amendments that I feel ought to be made clearer, because it is language about the making of dairy products. That should extend not only to the making of these dairy products, but also to the transportation to the point where they are processed or taken care of, because as the language is now it might include a farmer who is hauling his milk to a cheese factory that may be 2 miles or more away. I see a gentleman on the committee shaking his head as if to say that it does not mean that, but the interpretation of the Administrator——

Mr. RAMSPECK. If the farmer himself takes it, or anybody employed directly by the farmer takes it, it is exempt.

Mr. JOHNS. But suppose he should hire somebody from the city and pay him 15 cents a hundred for hauling this milk, as many of them do, would he not involve himself?

Mr. RAMSPECK. It may be somewhat complex, but if the farmer himself by his own employee or through his own efforts transports it, it is exempt under the present law.

Mr. JOHNS. Is there any ruling to that effect?

Mr. RAMSPECK. It happens to be directly in the law.

Mr. JOHNS. I do not see it.

Mr. RAMSPECK. The gentleman will find it in section 13 of the act, the present law, where a farmer himself is exempt and dairying is exempt.

Mr. JOHNS. That is what it says here—the "making of dairy products," but that is different from transporting them to the market.

Mr. RAMSPECK. Anything done incident to farming. Agriculture is defined as anything done by a farmer on the farm, incident to farming, and it includes dairying. The gentleman will find it in the definition of this language. It includes farming, and the harvesting of any agricultural crop, and so forth:

> Any act performed by the farmer on the farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market, or to carriers for transportation to market.

Mr. JOHNS. I see. Well, that would cover it.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield to the gentlewoman from New York [Mrs. O'DAY] such time as she desires.

Mrs. O'DAY. Mr. Chairman, if you will study the Barden bill and determine the precise employees who are to be removed from the protection of the law, you will discover an appalling fact. Of the some million-odd workers which it would deprive of the protection of a 30-cent wage, about half of them are women. In the industries of canning and packing of fruits and vegetables alone, the Women's Bureau of the United States Department of Labor estimates that approximately 176,000 women would be exempted by the Barden bill.

This country has striven for more than a quarter of a century to secure legislation to protect the woman who is required to leave her home and work in industrial occupations from the evils of the sweating system. Because of the attitude of the courts and the opposition of various industrial groups effective minimum-wage legislation exists only in a few States. In 1938 Congress passed the Fair Labor Standards Act. This act specifically provided that it should apply to both men and women. No discrimination is permitted on the basis of sex.

The passage of this law was a great gain for the working women of this country, hundreds of thousands of whom are so weak in bargaining power that they are at the complete mercy of the employer. Their needy circumstances force them to take any wage that is offered. Many women have been working for a starvation wage ever since women entered industry. They have been the victims of the "greedy and overreaching employer"—Chief Justice Taft in the Adkins case.

What character of work are the women engaged in whom Congressman BARDEN of North Carolina would exempt? For the main part they are toiling in commercial canneries, in packing sheds, stripping and stemming tobacco, and in other processes in connection with the preparation of food products. If you have ever been in a cannery, you know how women work over steaming cauldrons of hot tomatoes for hours—working in intense heat and often with blistered hands. Is a bare 30 cents an hours too much for such work? Most of these workers are mothers—heroic mothers—who are buying their food with their sweat. There are hungry mouths at home that must be fed.

The passage of this law gave new hope to hundreds of thousands of these women. Are we going to take it away from them now? To me the passage of this bill would be a national disgrace. Surely we have not arrived at a point in our national life where the profits of the cannery, the packer and the tobacco merchant, the cheese factory are more important to the legislator than the protection of our women. The sponsors of this bill should be forever shamed by the misery and distress which they propose to legislate upon several hundred thousand defenseless women. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield to the gentleman from California [Mr. BUCK] 3 minutes.

Mr. BUCK. Mr. Chairman, tomorrow I expect to propose an amendment to whichever of the substitutes is offered first, and thereafter to the Norton bill, if the substitutes are

defeated, embodying an amendment to section 3 (f), "Agriculture," and changing the definition of "agriculture and agricultural labor" to conform to the definition which was written in the social-security law by the Congress a year ago. This amendment will not conflict with the provisions of any of the pending bills. It has had the approval of both Houses and has been approved by the Senate. I am going to do this primarily because I think it will overcome the confusion that exists in interpreting what "agriculture" is under this act. If we have one definition in the Fair Labor Standards Act, one in the National Labor Relations Board Act, and one in the Social Security Act, obviously every employer of agricultural labor is going to be at his wit's end to know what to do. The definition which was adopted a year ago in the social-security amendments of 1939, which is now law, is clear, it is comprehensive, and it has withstood the test of several months' experience in the Bureau of Internal Revenue.

I might add that the Ways and Means Committee gave several weeks' study to this definition before it was submitted to the House, and the Bureau of Internal Revenue has now been operating successfully under that definition.

Let me suggest that uniformity is one thing that ought to be desired, even by those who are most interested in the success of the wage and hour bill. Let me add that I voted for that bill. Let me add that I hope it will continue to be a success and will not be emasculated by any amendments that are proposed tomorrow.

I think that basically agriculture is the same, no matter whether it is under the Wage and Hour Act, the Labor Relations Board Act, or the Social Security Act. Therefore, when the latter bill comes before us, I propose to offer the same amendment. Anyone who wants to know what that amendment is only has to consult the social-security amendments of 1939 to see what I propose to offer tomorrow.

Mr. Chairman, "agriculture" is defined in section 3 (f) of the Wage and Hour Act, but it is not a comprehensive definition. The law on minimum wages is laid down in section 6 of the act, the law on maximum hours in section 7, but in section 13 (a) (6) it is set out that the provisions of sections 6 and 7 shall not apply with respect to "any employee engaged in agriculture." It is therefore important that an accurate definition of agricultural labor be made in the act itself.

We had the same trouble with the Social Security Act. We exempted from tax what we classified in general language as "agricultural labor." The same difficulty existed with the Treasury Department that has existed with the Wage and Hour Division of the Department of Labor. The difficulty was to make the Administrators understand what agricultural labor was. In issuing its regulations the Bureau of Internal Revenue produced a great many conflicting and often ridiculous rules and regulations. I commented on these at some length when we were discussing the Social Security Act. For instance, labor in connection with fur-bearing animal farms. The Bureau of Biological Survey in the Department of Agriculture classifies farms of that type as agricultural. The Bureau of Internal Revenue did not. As I told you a year ago, I have a fairly large acreage of fruit. I pack— that is, prepare for market, put in crates and boxes— that fruit on my own farm. That labor was classed as agricultural and exempt. However, if 10 or 20 of my neighbors, who own small farms, got together and built a cooperative packing shed on the railroad line, washed their pears, packed their fruit, and used the same type of labor, even the same people perhaps at times, under the same circumstances, they were not exempt. There is no justice in making the small producer suffer under those circumstances.

Tomorrow I may cite other instances of these peculiar distinctions that have been worked out which produce inequities among people operating in the same commodities in the same localities, which is certainly an injustice. It seems to me, therefore, well for the Congress to make uniform its definition of what agriculture and agricultural labor are. The fact that the Congress has already passed on this question once and then rejected a motion to strike out this particular definition overwhelmingly on the floor of the House, and the fact that the legislation has been approved by the President, seems to me to furnish a criterion for the adoption of a similar definition in the wage and hour. I may add that I intend to offer the same amendment in connection with the National Labor Relations Board Act when it is presented to the House. There is no sense in leaving a definition of agricultural to administrators who may know nothing of what agriculture is or how it operates when we already have set up a standard.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. BUCK. I yield.

Mr. REED of New York. Has the gentleman that amendment with him?

Mr. BUCK. I do not; but, as I said a moment ago, if you will look up the social-security amendments of 1939——

Mr. REED of New York. I thought if you could obtain it and insert it as a part of your remarks it would be available to all the Members.

Mr. BUCK. I shall ask for that permission in the House. I thank the gentleman for the suggestion.

(The amendment is as follows:)

Amend section 3 (f) of the Fair Wages and Hours Act of 1938 to read:

"SEC. 3. (f) 'Agriculture' includes farming in all its branches and includes all service performed—

"(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

"(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

"(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

"(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

"As used in this subsection, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing-animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards."

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, I simply rise at this time so as not to leave the RECORD unchallenged with regard to the statements made by the Resident Commissioner of Puerto Rico in his advocating the exemption of Puerto Rico from the wage and hour law. I shall offer an amendment to strike out this exemption and will set forth at that time in full the reasons why the workers of Puerto Rico should have this protection.

At this time I simply want to point out that Puerto Rico has been the dumping ground for every needlework chiseling manufacturer from my city. They have gone down there and by a system of contracts they parcel the work out to one contractor and then the contractor parcels it out to a subcontractor, the subcontractor parcels it out to a sub-subcontractor, and that goes all the way down the line to women and children who work for hours and hours in their homes, receiving no more than $30 per year, while profits go from sub-subcontractor to subcontractor to contractor to chiseling

labor exploiter. You have there a needle industry where women and children receive as little as 25 cents a day and less. This law would have forced the payment of a decent wage to what I consider to be the most exploited people under the American flag.

And yet I find that the representative of Puerto Rico takes the position that this protection which the Congress has given his people should be eliminated.

Mr. PAGÁN. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. Not now. I have only 3 minutes. I decline to yield.

During the period in which we have had this wage and hour law we have heard a great deal about the needle trade running away from Puerto Rico; that it was going to China and Japan. The fact is not only did it not run away, but the export figures indicate that during the fiscal year 1939 the needle-trade manufacturers in Puerto Rico did 26 percent more business than in 1937. I think that should put a stop to the fountain of tears which representatives of entrenched interests in Puerto Rico are shedding over the plight of the "poor" labor exploiter in Puerto Rico. Why not spend some time over the plight of the exploited workers?

The real argument here is whether you want to protect Puerto Rican workers, whether or not you are for a decent wage for the workers in Puerto Rico. The gentleman from Puerto Rico seeks to justify the elimination of this protection for workers in his country by telling us about unemployment in Puerto Rico. Certainly there is unemployment in Puerto Rico. How can you charge unemployment to the wage and hour law when everybody knows, except the gentleman from Puerto Rico, that the Fair Labor Standards Act has been sabotaged, not enforced, and flagrantly violated in Puerto Rico? The cause of unemployment in Puerto Rico is due to a virulent and oppressive imperialism, against which the gentleman from Puerto Rico should be fighting, instead of training his guns on the wage and hour law, which was enacted for the protection of his people.

This committee has not heard from a single genuine representative of Puerto Rican labor on the question of the Puerto Rican amendment. Labor has not been given an opportunity to present its side of the case to this committee. I propose, before the discussion on this bill is over, to place in the CONGRESSIONAL RECORD a list of labor unions in Puerto Rico which have written me to keep up the fight against eliminating Puerto Rico from the protection of this law.

Mr. PAGÁN. I speak on behalf of labor.

Mr. MARCANTONIO. The gentleman is speaking in behalf of his political party.

Mr. PAGÁN. I speak on behalf of labor.

Mr. MARCANTONIO. Mr. Chairman, may I have order? I did not interrupt the gentleman when he had the floor.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. MARCANTONIO. The gentleman is speaking in behalf of his own political party, and not all of it at that. Labor union after labor union has met only recently in Puerto Rico. They have gone on record to appeal to Congress not to remove this small protection which Congress has given the exploited workers of Puerto Rico. How can the gentleman say that he speaks for labor? [Applause.]

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Chairman, I have an amendment to the Barden bill to be introduced at the proper time, which is of particular importance to several groups of people, one group of which is located in my district. The proposed amendment is as follows:

That subdivision (a) of section 13, of Fair Labor Standards Act of 1938 (U. S. C., title 29, sec. 213) be, and the same is hereby, amended by striking the period following the word "products" in the last line of said subdivision (a) of section 13, and inserting in lieu thereof a semicolon and the following: "Or (11) to any individual employed by a corporation or association, the activities of such corporation being located outside of the corporate limits of any incorporated city or town, when not less than two-thirds of the capital investment of said corporation is in real and personal property used by it in its agricultural pursuits, when two-thirds of its employees are voting stockholders in said corporation, when no individual stockholder in such corporation may own or vote more than one share of voting stock owned by him at any stockholders' meeting and when each holder of voting stock shares equally in the profits of the corporation after satisfaction of prior obligations.

About 1714, in the Province of Hesse, now Frankfort, Germany, there was founded an organization known as the Community of True Inspiration. To hold the religious group together against the destructive forces of outside oppression, the wealthy members of the community gave liberally of their money to help support the poorer members.

In 1842, about 800 of the group migrated to America and to a tract of land near Buffalo, N. Y. In that location they were organized formally under the name of the Ebenezer Society. They formed three small villages on the New York tract and two on the Canadian side of the Niagara River. All property was held in common. In the fall of 1854 the need for locating a cheaper and more extensive tract of land led them to move westward to Iowa, where they settled about 20 miles west of Iowa City. The organization had about 18,000 acres in one contiguous tract, and this land has been held and operated by them continuously from that day to this. The tract has now increased to 26,000 acres.

The first village was given the Biblical name "Amana," and 6 other villages have been established at different locations on this tract of land. Today there are 7 of these villages with a total population of approximately 1,500. The farmers as well as the mill workers all live in the villages. Members of the society are assigned to mill work and to farm work more or less with the seasons, and farmers and mill workers live together under identical conditions.

The Amana Society is today famous for many of its products, principally Amana hams and Amana woolens. The processing of meat and the processing of wool and the production of the famous Amana blankets and dress flannels is carried on in these small villages. The Amanas were quiet, peaceful, and prosperous until the present depression struck them, but the effect of the depression on them in and of itself has been mild compared with the terrific repercussions from the intrusion of the Federal Government seeking to divide the community and to make a part of it subject to the wage and hour law.

The Amana Society reorganized in 1932 with a view to accomplishing a transition from the old communal enterprise to a purely modernized, orthodox corporation for profit at some date in the future. The wage and hour law has struck them while they are squarely in that transition stage of their development, and it is my contention that until they completely leave the form of organization wherein the workers themselves are the joint owners and until they complete their transition to the corporate form, they are not or should not be within the provisions of the wage and hour law. Nevertheless, representatives of the Amana Society have pleaded their case before the Wage and Hour Division in vain, and the Amana Society today faces on the one hand a division of neighbor from neighbor within these villages, classifying some as coming within the wage and hour law and others not within it, even though they all live under identical conditions, or on the other hand the society has the choice of classifying all of its members, both farmers and mill workers, uniformly within the wage and hour law. I am told that the application of the wage and hour law to the mill workers only will cause considerable strife because of the unfair and unequal compensation paid to neighbors living under identical conditions whereas the alternative of placing both farmers and mill workers under the wage and hour law will mean financial disaster and spell the doom of the society as an economic enterprise. The Amana Society has never objected to placing all employees who are not members within the wage and hour law. It is only the matter of applying the wage and hour law to the joint owner-workers that they object to.

But the Wage and Hour Division, in order to bring the members of the Amana Society within the wage and hour

law, has ruled that if in the joint enterprise third persons who are not joint owners are employed, then the relationship of employer and employee exists not only between the corporation and the third person but also between the corporation and the joint owner-worker. The members of this society cannot see, and I cannot see, how that should or could draw the owner-workers themselves within the wage and hour law.

The Wage and Hour Division has ruled further that if the direction of the labor is vested in any one member or group, then the relationship of employer and employee is considered by the Department to exist. In other words, the joint owners cannot arrange for the proper direction of their own work without placing themselves within the wage and hour law, regardless of the relationship of the member to the organization and the mutual obligations existing and based upon centuries of existence of that relationship. Furthermore, it is well nigh impossible to measure the values of the existing relationship and the compensation paid in the form of security not measured on a simple dollars-and-cents basis. All these good people ask is that they be left alone and not molested. Nevertheless, the ruling of the Wage and Hour Division that has already been made may mean the closing of the Amana woolen mills in these villages and the expulsion of those mill workers from membership if the farm holdings of the society are not extensive enough to furnish them employment.

This amendment I offer is broad enough to cover all organizations similarly situated, and it is my understanding that there are approximately six or eight similar organizations in the entire United States.

We had a very similar situation before the Committee on Agriculture in connection with the bill H. R. 3800, which bill, as you will recall, amended section 8–E of the Soil Conservation and Domestic Allotment Act. In that case the Committee on Agriculture accepted my amendment as a committee amendment and the bill has passed the House and Senate so amended. The acceptance of this amendment will not open the gate to all cooperatives. Just as in the case of H. R. 3800, the amendment has been drawn to carefully limit its application to organizations of this particular kind. The amendment has been drawn in this instance to limit its application to organizations which combine agricultural and industrial pursuits under a joint owner-worker relationship, wholly located outside of the corporate limits of any city or town and where not less than two-thirds of the capital investment of such organization is invested in property used by it in its agricultural pursuits.

Mrs. NORTON. Mr. Chairman, this concludes general debate on the bill.

Certain of us desire permission to include matter in the speeches we made, but, as I understand it, such requests will have to be submitted in the House.

The CHAIRMAN. That is correct.

Mrs. NORTON. Mr. Chairman, I believe the agreement was that the first paragraph of the bill was to be read before we concluded today.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, in the absence of the minority leader, the gentleman from Massachusetts [Mr. MARTIN], let me state that I understood there was no such agreement. The agreement was that no part of the bill should be read, that only general debate should be concluded today, that we would proceed with the reading of the bill next week.

The CHAIRMAN. That is the Chair's understanding of the agreement that was made today.

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. COOPER, having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5435) to amend the Fair Labor Standards Act of 1938, had come to no conclusion thereon.

EXTENSION OF REMARKS

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to extend the remarks I made today in the Committee of the Whole and to include therein letters received from the Secretary of Agriculture, Mr. Wallace; also, from the National Consumers' League and the National Association for Advancement of Colored People.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. NORTON. Mr. Speaker, I also ask that the gentleman from Missouri [Mr. WOOD] may have permission to include certain letters and excerpts in the remarks he made today in the Committee of the Whole.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TRANSPORTATION ACT OF 1940

Mr. LEA submitted a conference report and statement on the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

Mr. HARRINGTON. Mr. Speaker, I ask uanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, under present law, railroad employees never have had adequate protection against loss of employment resulting from railroad consolidations, mergers, and abandonments. S. 2009 proposed substantial changes in the present law relating to these subjects but did not remedy this inadequacy of protection to employees. I offered, and the House adopted by a large majority vote, an amendment to S. 2009 designed to cover this defect in the bill.

Two hundred and seventy-five Congressmen signed a request urging the managers on the part of the House to retain the Harrington amendment, or report the same in disagreement so that a separate vote on this amendment could be had in the House. The joint conference committee on S. 2009 did not retain that amendment, but instead they struck out the entire consolidation section of the bill, including the Harrington amendment. The Transportation Act of 1920, as amended, however, still contains provisions under which mergers and consolidations may be effectuated yet which provide no specific protection for the railroad worker. For this reason I am offering today a bill (H. R. 9563) which would prohibit the Interstate Commerce Commission from approving any consolidation, combination, abandonment, pooling contract, agreement, division of traffic, and so forth, which would result in the displacement of railroad labor. My bill would also protect many communities from the economic disaster that results from railroad consolidations and abandonments.

The friends in Congress of railway employees are, therefore, being given the opportunity to support and vote for the principle of protecting railroad labor against railroad banker desires, which was the basic philosophy embodied in the Harrington amendment which the joint conference committee did not see fit to retain.

EXTENSION OF REMARKS

Mr. BUCK. Mr. Speaker, I ask unanimous consent to include in the remarks I made today in the Committee of the Whole the amendment I propose to offer to the bill H. R. 5435 when it is read for amendment.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FENTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from John J. Miller, president of the Shenandoah Disaster Relief Committee, which accompanied a petition of

6,327 citizens, and also to include therein the foreword of that petition.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Washington Evening Star on the subject of educational orders.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point and to include a resolution from the Veterans of Foreign Wars of the United States, as well as a letter I received from the Air Line Pilots' Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial entitled "An Appeal to Reason."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

FARM-TENANCY PROGRAM IN JEOPARDY

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I have asked the indulgence of the House at this late hour to make a brief statement and then an announcement that will be of interest to those who are especially concerned about the welfare of the farm-tenancy program. I have reference, of course, to the future of the Bankhead-Jones farm-tenant program. Judging from the record of those who have supported it in the past, an overwhelming majority of the Members of this House are in favor of continuing it. That splendid program that has just begun to get under way is now in jeopardy.

As Members will recall, the House, by a very narrow margin, failed to make the appropriation when the agricultural bill was being considered in the House. The vote came late in the day when there were nearly a hundred Members absent. The bill had previously passed by such a wide margin that, frankly, the friends of the bill were caught napping.

It will be recalled that practically every opponent of the bill stated then that he favored a farm-tenancy program, but that the House proposal of $25,000,000 was only a drop in the bucket and would not begin to do the job. Others stated they would support a loan of $50,000,000, or even a larger sum, that would really make a start on a worth-while program, but would oppose a straight-out appropriation because of the then alleged economy program.

When the bill reached the Senate that body inserted $50,000,000 in the measure to continue the farm-tenancy program, not as a direct appropriation from the Treasury but authorized the Reconstruction Finance Corporation to advance $50,000,000 for the next fiscal year for the Bankhead-Jones tenant loans. It provides only 5 percent for administrative expenses. This amount was approved by the Senate without a single dissenting vote. It is generally understood that the House conferees have refused to accept the Senate amendment and are evidently willing to wipe out one of the most successful and important parts of the entire farm program. As I understand the situation, this matter will be brought back to the House for a vote probably Tuesday of next week.

Now, the announcement I wish to make is that after conferring with several Members who have been especially interested in this farm-tenancy program in the past, it has been decided to call a meeting in the caucus room of the House Office Building next Monday at 10:30 a. m. All who are interested in continuing this worth-while program are invited and urged to be present, at which time we will devise and discuss ways and means of carrying on this farm-tenancy program.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to include, with the extension of my remarks relative to the Barden bill, a copy of the amendment which I propose to offer.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa [Mr. MARTIN]?

There was no objection.

Mr. SCHWERT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief editorial, and my reply thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. SCHWERT]?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to include in the remarks I made in the Committee of the Whole certain excerpts and letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. AUGUST H. ANDRESEN. When will the wage and hour bill, that we have considered in the Committee of the Whole this afternoon, be brought up for consideration again?

The SPEAKER pro tempore. As far as the present occupant of the Chair is advised, it will be brought up again on Monday next.

ADJOURNMENT

Mrs. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.), under its previous order, the House adjourned until Monday, April 29, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds Tuesday, April 30, 1940, at 10 a. m., for the consideration of House Joint Resolution 487. Important. The hearings will be held in room 1501, New House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings on the following bill on Tuesday, April 30, 1940:

H. R. 8855, to admit the American-owned steamship *Port Saunders* and steamship *Hawk* to American registry and to permit their use in coastwise and fisheries trade. Hearing will be held at 10 a. m.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, May 1, 1940, at 10:30 a. m. In re private bills and consider assignments.

EXECUTIVE COMMUNICATIONS, ETC.

1577. Under clause 2 of rule XXIV, a letter from the Acting Administrator, Federal Security Agency, transmitting a copy of a proposed bill to remove the restriction on the length of service for Indian enrollees in the Civilian Conservation Corps, was taken from the Speaker's table and referred to the Committee on Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DARDEN of Virginia: Committee on Naval Affairs. H. R. 7934. A bill to authorize alterations and repairs to certain naval vessels; with amendment (Rept. No. 2014). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 307. Joint resolution to provide for the printing of the speeches and writings of Edmund Burke as a House document; without amendment (Rept. No. 2015). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEA: Committee of conference. S. 2009. An act to amend the Interstate Commerce Act (Rept. No. 2016). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9550) granting a pension to Leon J. Collins, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 9553. A bill to amend and clarify certain acts pertaining to the Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CARTER:

H. R. 9554. A bill providing retired pay for certain former Army officers; to the Committee on Military Affairs.

By Mr. KEOGH:

H. R. 9555. A bill to provide for the establishment of the Adirondack National Recreational Area, in the State of New York, and for other purposes; to the Committee on the Public Lands.

By Mr. THORKELSON:

H. R. 9556. A bill to authorize the Secretary of War to exchange certain land located within the Fort Missoula Military Reservation, Mont., for certain land owned by the Missoula Chamber of Commerce, Missoula, Mont.; to the Committee on Military Affairs.

By Mr. WALTER:

H. R. 9557. A bill authorizing the Secretary of War to loan cots and blankets to the Department of Pennsylvania, Veterans of Foreign Wars of the United States, Encampment Corporation, for use during the 1940 State convention at York, Pa.; to the Committee on Military Affairs.

By Mr. COOLEY:

H. R. 9558. A bill to extend the Federal Crop Insurance Act to tobacco; to the Committee on Agriculture.

By Mr. HOLMES:

H. R. 9559. A bill to allow the use of a limited number of live decoys in the hunting of migratory waterfowl which may lawfully be taken; to the Committee on Agriculture.

By Mr. KERR:

H. R. 9560. A bill to prohibit the exportation of tobacco seed and plants, except for experimental purposes; to the Committee on Agriculture.

By Mr. KNUTSON:

H. R. 9561. A bill granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. KUNKEL:

H. R. 9562. A bill authorizing the Secretary of War to loan cots and blankets to the American Legion Convention Corporation for use during the 1940 State convention at Reading, Pa.; to the Committee on Military Affairs.

By Mr. HARRINGTON:

H. R. 9563. A bill to prevent unemployment of railroad workers as a result of consolidations, combinations, agreements, or abandonments of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON:

H. J. Res. 524. Joint resolution proposing an amendment to the Constitution of the United States by disqualifying any person from serving as President for more than two elective terms; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 9564. A bill for the relief of Ada Rousina; to the Committee on Immigration and Naturalization.

By Mr. EDWIN A. HALL:

H. R. 9565. A bill for the relief of Baldassare Ferrara; to the Committee on Claims.

By Mr. HAVENNER:

H. R. 9566. A bill for the relief of Joseph Arreas; to the Committee on Immigration and Naturalization.

By Mr. HOBBS:

H. R. 9567. A bill for the relief of Walter R. McKinney; to the Committee on Claims.

By Mr. JOHNS:

H. R. 9568. A bill for the relief of Hyram Colwell; to the Committee on Military Affairs.

By Mr. JOHNSON of West Virginia:

H. R. 9569. A bill granting a pension to James C. Neff; to the Committee on Pensions.

By Mr. MARTIN of Iowa:

H. R. 9570. A bill granting a pension to Edith Cleota Miller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7723. By Mr. ANDERSON of California: Resolution signed by members of Mountain View (Calif.) Post, Veterans of Foreign Wars, and C. M. Fest, W. C. Hoffman, and others, urging support of House bill 7708, abolishing compulsory quarters, subsistence, and laundry; to the Committee on Expenditures in the Executive Departments.

7724. By Mr. FLAHERTY: Petition of the Board of Aldermen of the City of Chelsea, Mass., urging passage of bill to provide supplementary appropriation of $86,000,000 to maintain rolls of the Work Projects Administration at their present level for the balance of the year; to the Committee on Appropriations.

7725. By Mr. HART: Petition of the City Commission of Trenton, N. J., urging the enactment of House bill 9162 into law; to the Committee on Merchant Marine and Fisheries.

7726. By Mr. MARTIN J. KENNEDY: Petition of the United Electrical, Radio and Machine Workers of America, New York City, expressing opposition to the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7727. Also, petition of the Cigar Manufacturers Association of America, Inc., New York City, concerning the Barden bill and the Clark bill (S. 3735); to the Committee on Labor.

7728. Also, petition of the International Association of Machinists, Washington, D. C., concerning the Barden amendment to the Fair Labor Standards Act; to the Committee on Labor.

7729. Also, petition of the United Rubber Workers of America, Akron, Ohio, expressing opposition to all amendments to the National Labor Relations Act; to the Committee on Labor.

7730. By Mr. KEOGH: Petition of the American Federation of Teachers, Washington, D. C., opposing all amendments to the wage and hour law; to the committee on Labor.

7731. Also, petition of the American Communications Association, New York City, opposing all amendments to National Labor Relations Act; to the Committee on Labor.

7732. Also, petition of the Retail Dairy, Grocery and Fruit Employees Union, New York City, opposing the Smith and Norton amendments to the National Labor Relations Act; to the Committee on Labor.

7733. Also, petition of the Retail Drug Store Employees Union, New York City, opposing all amendments to the National Labor Relations Act; to the Committee on Labor.

7734. Also, petition of the New York State Farm Bureau Federation, Ithaca, N. Y., favoring the passage of Senate bill 162 and House bill 944; to the Committee on Interstate and Foreign Commerce.

7735. Also, petition of the New York State Farm Bureau Federation, Ithaca, N. Y., concerning the Barden bill (H. R. 7133); to the Committee on Labor.

7736. Also, petition of the State, County and Municipal Workers of America, opposing all amendments to the National Labor Relations Act and wage and hour law; to the Committee on Labor.

7737. Also, petition of the United Wholesale and Warehouse Employees of New York, concerning the Marcantonio bill (H. R. 8615); to the Committee on Labor.

7738. By Mr. KRAMER: Resolution of the Highland Park Progressive Democratic Club, of Los Angeles, relative to the Smith amendments to the Wagner Act; to the Committee on Labor.

7739. Also, resolution of the Reclamation Board of the County of Sacramento, State of California, relative to an appropriation of funds by the Congress for the purpose of a resurvey of the Sacramento River flood-control project; to the Committee on Flood Control.

7740. By Mr. LEWIS of Ohio: Petition of sundry residents of Alliance, Ohio, protesting against Japan's aggression in China, and asking for a restriction of war materials that are now being sent to Japan by the United States; to the Committee on Foreign Affairs.

7741. By Mrs. NORTON: Petition of the Board of Commissioners of the City of Trenton, N. J., endorsing and urging the passage of House bill 9162, providing for the construction of five vessels for the Coast Guard, designed for ice-breaking and assistance work on the Delaware River; to the Committee on Merchant Marine and Fisheries.

7742. By Mr. PFEIFER: Petition of the Department of Agriculture and Markets of the State of New York, Albany, urging consideration and passage of House bill 9023; to the Committee on Agriculture.

7743. By the SPEAKER: Petition of the Indianapolis Fire Fighters Association, Local No. 416, Indianapolis, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7744. Also, petition of the Plumbers and Steamfitters Local 515, Bloomington, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7745. Also, petition of the American Federation of Office Employees, Local Union No. 18049, Philadelphia, Pa., petitioning consideration of their resolution with reference to antialien legislation; to the Committee on Immigration and Naturalization.

7746. Also, petition of State, County, and Municipal Workers of America, Local 90, Philadelphia, Pa., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

7747. Also, petition of Local 1761 of V. B. of C. and J. of A., New Castle, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7748. Also, petition of Local 193, United Garment Workers of America, Mount Vernon, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7749. Also, petition of Easher Greenberg and Samuel Blaern and sundry other petitioners from Philadelphia, petitioning consideration of their resolution with reference to the case of John Murry, Philadelphia seaman; to the Committee on Rules.

SENATE

MONDAY, APRIL 29, 1940

(Legislative day of Wednesday, April 24, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Barney T. Phillips, D. D., offered the following prayer:

O most loving God, our unseen guide and teacher, who dost impart to us the lessons of life by voices and by silences, in moments of illumination as in hours of dimness and obscurity, through pleasure and through pain, in the animating thought which brings us strength, and in the temptation which sorely tries us: We commit ourselves to Thee in the faith that, because of Thee without whom there is nothing, all is well even that which seems to us most ill. Thou art the fountain of justice and mercy, and dost ever guard Thy children with Thy tender, watchful care, for even in the darkness Thou abidest and aboundest, and we walk the while in the shadow with our God.

Harken, therefore, to us in the midst of all the pain and strife of these dark days and comfort us, but teach us everyone to shun all vain delights and to live laborious days for the sake of our country and the restoration of peace to a sin-sick world. We ask it in the name of Him who for the joy that was set before Him endured the cross, despising the shame, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, April 26, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	King	Sheppard
Ashurst	Donahey	La Follette	Shipstead
Austin	Downey	Lodge	Slattery
Bailey	Ellender	Lucas	Smathers
Bankhead	Frazier	Lundeen	Smith
Barbour	George	McKellar	Stewart
Barkley	Gerry	McNary	Taft
Bilbo	Gillette	Maloney	Thomas, Idaho
Bone	Glass	Mead	Thomas, Okla.
Bridges	Guffey	Miller	Thomas, Utah
Brown	Gurney	Minton	Tobey
Bulow	Hale	Murray	Townsend
Burke	Harrison	Norris	Truman
Byrd	Hatch	O'Mahoney	Tydings
Capper	Hayden	Overton	Vandenberg
Caraway	Herring	Pittman	Van Nuys
Chandler	Hill	Reed	Wagner
Chavez	Holman	Reynolds	Walsh
Clark, Idaho	Hughes	Russell	Wheeler
Clark, Mo.	Johnson, Calif.	Schwartz	White
Connally	Johnson, Colo.	Schwellenbach	Wiley

Mr. MINTON. I announce that the Senator from South Carolina [Mr. BYRNES] and the Senator from Rhode Island [Mr. GREEN] are unavoidably detained from the Senate.

The Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senator from Oklahoma [Mr. LEE], the Senators from West Virginia [Mr. HOLT and Mr. NEELY], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] is absent on important public business, and that my colleague the junior Senator from Vermont